

Mr. Cook's activities were not confined to his editorial and literary work, but he early espoused the cause of the financial and public institutions of the city of Philadelphia, was president of the Board of Trade, and actively identified with all the great movements for the progress and development of the natural resources of the city.

This long apprenticeship in public affairs, this awakened and developed interest and close study of the questions affecting the city of Philadelphia and of the Nation at large, and his sterling honesty and fearless courage, made JOEL COOK at the time of his election to Congress a man of commanding importance in the city of Philadelphia, and his friends and the public at large confidently intrusted to him their important interests, elected him to Congress with practical unanimity, and predicted for him a field of great usefulness and importance upon the floor of the House.

One dominant trait of Mr. Cook's character, and one that had added materially to his usefulness and to the growth of his reputation, was his conservatism. He was never a voluble man; he never put himself to the front until he was entirely sure of his position; he had no ambition for notoriety. He had carved his path to eminence by the slow and certain road of real achievement.

The congressional life was new to him; it was a new chapter in his life's history. No man upon the floor of the House was more broadly acquainted with public affairs or knew more intimately and accurately the public questions which agitated the country; but the field of public congressional debate was outside of the scope of Mr. Cook's past experiences. The rules of procedure were strange to him. He had not yet made himself master of the methods of parliamentary discussions and he was calmly and confidently waiting his time. No Member of this House was more constant in his attendance, none more conscientious in the faithful performance of every public duty, none more efficient in the discharge of his duty to his constituents, and none more resourceful and instructive in the council of committees. But he despised ostentation, he would not talk for the sake of talking, he never arose to his feet in any public assembly to speak unless he was confident that he had something of value to say, and had his life been spared to his constituents and to his country, I confidently assert the prediction that the time would soon have come when his ripe thought, his broad and diversified knowledge, and his forceful speech would have challenged the attention of this House, and it would have gladly listened to his temperate eloquence and would have come to regard him as one of the wise counselors of the Nation.

The community that knew him best, his own home city of Philadelphia, most keenly appreciates his loss. For nearly a half century he was a familiar figure in her social and financial life; he numbered among his tried and trusted friends all of the great men of that great city whose achievements are a part of her proudest records. Genial, sociable, kindly, affectionate, the friends that he gathered to himself in his youth remained his close friends and devoted admirers to the end. No public gathering in that city at which he was not a conspicuous and honored figure; no movement for the improvement of that city, for the development of her trade and commerce, for the shaping and developing of her civic institutions, but was strengthened by his presence and his advice, and he was reverently followed to his last resting place by our great leaders in civic, industrial, and political life, and is unanimously accorded by them the title of a great Philadelphian.

Mr. GREENE. Mr. Speaker, in the death of the late Hon. WILLIAM W. FOULKROD that grim reaper has claimed for the first time during my membership of the Committee on the Merchant Marine and Fisheries, for 12½ years, one of my associates upon the committee. Mr. FOULKROD was assigned to that committee by appointment of Speaker CANNON when he was elected to membership in the Sixtieth Congress. At the same time and by the same authority I was assigned to the position of chairman of the committee. Mr. FOULKROD was a prompt attendant at all meetings of the committee, and displayed an active and earnest interest in all the varied and important matters which were brought before the committee for consideration.

During many of the tedious and exacting hearings of the committee he contributed, by advice, argument, and searching questions to witnesses, in a very substantial way toward obtaining the information necessary to the proper formulation of various laws affecting the maritime interests of the country. His extensive business experience, both as a successful merchant and manufacturer, especially qualified him for the duties which devolved upon him as a Member of the House of Representatives.

He would not have been classed as a politician for the reason that the many years of his life had been absorbed by the activi-

ties which a business career demanded. However, he had devoted considerable time to the promotion of commercial organizations in the city of Philadelphia, which he represented in the Halls of Congress.

I am somewhat familiar with many of these organizations to which he belonged, and from my knowledge of his work on the committees of which he was a member in the House I am convinced that he was in the highest degree a public servant. In assisting to carry out the many various projects of a public character with which he was connected in his home city, I realize that much of his time and strength during his later years must have been generously contributed.

He was familiar with the conditions which were detrimental to the upbuilding of the American merchant marine, and he was extremely anxious that provision might be made for the re-establishment of the carrying trade between the United States and other nations.

It is indeed a pleasure to recall associations with a man of the type of our late colleague. Little did I think, when the second session of the Sixty-first Congress adjourned, that I should not again see his cheerful countenance, or that I should be bereft of his counsel and advice. His work was finished, and those who knew him best will contemplate that work with satisfaction and will cherish his memory.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent that Members of the House have leave to print for 10 days remarks on the life, character, and public services of the Hon. WILLIAM W. FOULKROD and the Hon. JOEL COOK.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent that Members have leave to print remarks on the life, character, and public services of Mr. FOULKROD and Mr. JOEL COOK for 10 days. Is there objection? [After a pause.] The Chair hears none.

In accordance with the resolutions already adopted, and as an additional mark of respect to our deceased colleagues, the House will now stand adjourned.

Accordingly (at 1 o'clock and 30 minutes p. m.) the House adjourned until Monday, January 23, 1911, at 12 o'clock noon.

## SENATE.

MONDAY, January 23, 1911.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of the proceedings of Saturday last was read and approved.

### CREDENTIALS.

Mr. PENROSE presented the credentials of GEORGE T. OLIVER, chosen by the Legislature of the State of Pennsylvania a Senator from that State for the term beginning March 4, 1911, which were read and ordered to be filed.

Mr. STONE presented the credentials of JAMES A. REED, chosen by the Legislature of the State of Missouri a Senator from that State for the term beginning March 4, 1911, which were read and ordered to be filed.

### INDIAN SCHOOL AT FORT LEWIS, COLO.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an estimate of appropriation for the support and education of 200 Indian pupils at the Indian school, Fort Lewis, Colo., and for pay of superintendent and for general repairs and improvements, \$40,000, which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

### CLAIM OF WILLIAM M. MORGAN.

The VICE PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting, on motion of defendants, a certified copy of the findings of fact filed by the court in the cause of William M. Morgan, administrator of the estate of Elias Weaver, deceased, v. The United States (S. Doc. No. 779), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

### FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions filed by the court in the following causes:

Henry Antone (or Anthone), Frank Swaris (or Suarez), Pensacola Navy Yard, v. The United States (S. Doc. No. 778);

William A. Clements and sundry subnumbered cases, Washington Navy Yard, v. The United States (S. Doc. No. 776);

William L. Buckley and sundry subnumbered cases, Brooklyn Navy Yard, *v. The United States* (S. Doc. No. 777); and Walter H. Evans, Washington Navy Yard, *v. The United States* (S. Doc. No. 775).

The foregoing communications were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, transmitted to the Senate resolutions on the life and public services of Hon. WILLIAM W. FOULKROD, late a Representative from the State of Pennsylvania.

The message further transmitted to the Senate resolutions of the House on the life and public services of Hon. JOEL COOK, late a Representative from the State of Pennsylvania.

#### PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of John Wood Post, No. 96, Department of Illinois, Grand Army of the Republic, of Quincy, Ill., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented a memorial of the Catholic Church Extension Society of Chicago, Ill., and a memorial of the Western Catholic Union of Quincy, Ill., remonstrating against any appropriation being made for the National Bureau of Education, which were referred to the Committee on Education and Labor.

Mr. SCOTT presented a petition of Black Diamond Lodge, No. 9, Brotherhood of Railway Carmen of America, of Bluefield, W. Va., praying for the repeal of the present tax on oleomargarine, which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of Dr. C. L. Holland, of Fairmont, W. Va., praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Smith-Race Grocery Co., of Bluefield, W. Va., praying for the enactment of legislation relative to the tax on white phosphorus matches, which was referred to the Committee on Finance.

Mr. DIXON presented memorials of sundry citizens of Ridge and Florence, in the State of Montana, remonstrating against the passage of the so-called rural parcels-post bill, which were ordered to lie on the table.

Mr. GAMBLE presented a petition of the J. B. Lockhart Co. and 30 other business firms of Centerville, S. Dak., remonstrating against the passage of the so-called rural parcels-post bill, which was ordered to lie on the table.

Mr. OWEN. I present a concurrent resolution of the Legislature of Oklahoma, which I ask may be printed in the RECORD and referred to the Committee on Industrial Expositions.

There being no objection, the resolution was referred to the Committee on Industrial Expositions and ordered to be printed in the RECORD, as follows:

#### Senate concurrent resolution 1.

Whereas the United States Government has undertaken the construction of an oceanic canal across the Isthmus of Panama, an engineering feat daring in its conception, wonderful in its achievement, and worthy of this great Nation, to bring into closer commercial and social relations the countries of South America with this great Republic and provide a short passage to the great undeveloped Orient; and

Whereas the port of New Orleans is the gateway to the Mississippi Valley, of which our own State of Oklahoma, vast in agricultural and other resources, forms a part, and to and through which port our grains, produce, and mineral products will find a natural outlet, and with which port portions of our State now have water communications; and

Whereas our sister State of Louisiana, to whom we have contributed our soil, through the systems of waterways provided by nature for the great and fertile Mississippi Valley, and upon whose lands we have, through the same channels, turned our excess water, and to whom we owe more than ordinary allegiance, from material (as enumerated) as well as sentimental grounds, for her name was once given to what is now proud Oklahoma, through the Louisiana Purchase, culminated in the old Cabildo, now standing in the city of New Orleans; and

Whereas the United States Government has promised to complete the Panama Canal by or before 1915, and our sister State of Louisiana, feeling her responsibility as the keeper of the gateway, and anticipating the vast benefits of the entire Mississippi Valley, has seen fit by constitutional amendment to tax her citizens that an exposition, calling the attention of the world to the feat of engineering in constructing the Panama Canal, and the resources of the Mississippi Valley States, be held in the city of New Orleans, the winter capital of America, during the winter of 1915-16: Therefore be it

*Resolved by the senate of the State of Oklahoma (the house of representatives concurring therein), That we heartily concur in the action of the people of Louisiana, and hereby indorse New Orleans as the logical point for the said exposition; and that a copy of this resolution, suitably engrossed, be sent to each of our Senators and Representatives at Washington, and to the World's Panama Exposition at New Orleans.*

Adopted by the senate January 5, 1911.  
J. ELMER THOMAS,  
*President pro tempore of the Senate.*  
Passed by the house of representatives January 12, 1911.  
W. A. DURANT,  
*Speaker of the House of Representatives.*

Mr. OWEN presented a petition of the Commercial Club of Minneapolis, Minn., and a petition of the Union Veterans' Union, in convention at Atlantic City, N. J., praying for the establishment of a national department of health, which were referred to the Committee on Public Health and Quarantine.

Mr. BRISTOW presented memorials of the Greater Leavenworth Club and of sundry citizens of Ogallah, Salina, Lincoln, and Delphos, all in the State of Kansas, remonstrating against the passage of the so-called rural parcels-post bill, which were ordered to lie on the table.

He also presented a memorial of sundry representatives of the Religious Society of Friends for Pennsylvania, New Jersey, and Delaware, remonstrating against any appropriation being made for the fortification of the Panama Canal, which was referred to the Committee on Inter-oceanic Canals.

Mr. PENROSE presented a memorial of the Manufacturers' Club of Philadelphia, Pa., remonstrating against the appointment of a permanent tariff commission, which was referred to the Committee on Finance.

He also presented a petition of the Lumbermen's Exchange of Philadelphia, Pa., praying that an appropriation of \$100,000 for the improvement of the dry-dock at the League Island Navy Yard, which was referred to the Committee on Naval Affairs.

He also presented petitions of Local Granges Nos. 1405, of Pleasant Hill; 1432, of Beaver; 1382, of Monongahela; 5, of Lime Ridge; 1120, of Ebensburg; 1404, of Waynesboro; 1183, of Ulysses; 908, of Evans City; 1123, of Wallingford; 121, of West Chester; and 785, of Smithfield, all in the State of Pennsylvania, praying for the repeal of the present oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

Mr. BROWN presented a petition of the Central Labor Union of Omaha, Nebr., praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented an affidavit in support of the bill (S. 10111) granting an increase of pension to John H. Lennon, which was referred to the Committee on Pensions.

Mr. OLIVER presented a petition of the Trades Union Assembly, American Federation of Labor, of Williamsport, Pa., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of J. C. Markke Post, No. 623, Grand Army of the Republic, Department of Pennsylvania, of West Newton, Pa., and a petition of Henry Wilson Post, No. 129, Grand Army of the Republic, Department of Pennsylvania, of Milton, Pa., praying for the passage of the so-called old-age pension bill, which were referred to the Committee on Pensions.

He also presented a petition of the Chamber of Commerce of Lancaster, Pa., praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Young Men's Christian Association of Washington, Pa., praying for the enactment of legislation to prohibit the interstate transmission of race-gambling bets, which was referred to the Committee on the Judiciary.

He also presented a petition of the State legislative board, representing 16,000 members of the Brotherhood of Railroad Trainmen of Pennsylvania, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. FLINT presented a memorial of the Merchants' Association of Honolulu, Territory of Hawaii, remonstrating against the enactment of legislation relative to the irrigation and reclamation of public lands in that Territory and the granting of certain water rights on the military reservation at Waiānae Uka, Island of Oahu, Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico.

Mr. NELSON presented a petition of Mayflower Lodge, No. 629, Modern Brotherhood of America, of St. Cloud, Minn., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Two Harbors, Minn., remonstrating against the enactment of legislation proposing to change the name of the Public Health and Marine-Hospital Service, etc., which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of the Monday Club, of Le Sueur, Minn., praying that an investigation be made into the condition of dairy products for the prevention and spread of



tuberculosis, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Michael Cook Post, No. 123, Department of Minnesota, Grand Army of the Republic, of Faribault, Minn., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented a petition of the National Guard Association of Minnesota, praying for the enactment of legislation providing for the detail of additional officers of the Regular Army for the instruction of the National Guard, which was referred to the Committee on Military Affairs.

He also presented a petition of the National Guard Association of Minnesota, praying for the enactment of legislation to provide Federal pay for the Organized Militia, which was referred to the Committee on Military Affairs.

He also presented a petition of the National Guard Association of Minnesota, praying for the enactment of legislation to promote and encourage rifle practice among the youths of the country, which was referred to the Committee on Military Affairs.

Mr. BROWN presented a petition of the American Federation of Labor and a petition of the Retail Butchers' Protective Association of Omaha, Nebr., praying for the repeal of the present oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented memorials of sundry citizens of Central City, Clearwater, Inland, Lincoln, Pleasanton, Ravenna, Madison, Humboldt, Jelen, Groff, Grand Island, and Nebraska City, all in the State of Nebraska, remonstrating against the passage of the so-called rural parcels-post bill, which were ordered to lie on the table.

#### REPORT OF COMMITTEE.

Mr. BURKETT, from the Committee on the District of Columbia, to which was referred the bill (S. 9534) to amend an act entitled "An act to regulate the employment of child labor in the District of Columbia," reported it with an amendment and submitted a report (No. 1001) thereon.

#### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BROWN:

A bill (S. 10366) to correct the military record of Charles Sutton (with accompanying paper); to the Committee on Military Affairs.

By Mr. LODGE:

A bill (S. 10367) providing for the purchase or erection, within certain limits of cost, of embassy, legation, and consular buildings abroad; and

A bill (S. 10368) for the improvement of the foreign service; to the Committee on Foreign Relations.

By Mr. CULLOM:

A bill (S. 10369) granting an increase of pension to Julia Baldwin; to the Committee on Pensions.

By Mr. DIXON:

A bill (S. 10370) granting an increase of pension to George W. Shaw (with accompanying papers); to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 10371) granting an increase of pension to Annie Jane Saffell (with accompanying papers); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 10372) granting a pension to Gust Carlson; and  
A bill (S. 10373) granting a pension to Mary Butterfield; to the Committee on Pensions.

By Mr. HALE:

A bill (S. 10374) granting an increase of pension to John B. Dean (with accompanying paper); to the Committee on Pensions.

By Mr. BANKHEAD (for Mr. TAYLOR):

A bill (S. 10375) to authorize Hamilton County, Tenn., to construct, maintain, and operate a bridge across the Tennessee River at Chattanooga, Tenn.; and

A bill (S. 10376) to authorize Hamilton County, Tenn., to construct, maintain, and operate a bridge across the Tennessee River at Chattanooga, Tenn.; to the Committee on Commerce.

By Mr. FLINT:

A bill (S. 10377) granting an increase of pension to Timothy Sullivan (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 10378) to grant an honorable discharge to George P. Chandler (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 10379) to promote the efficiency of the Naval Militia, and for other purposes; to the Committee on Naval Affairs.

A bill (S. 10380) for the relief of Mary Loy; and

A bill (S. 10381) for the relief of John E. Frymier (with accompanying paper); to the Committee on Claims.

A bill (S. 10382) granting an increase of pension to David Gosnell;

A bill (S. 10383) granting an increase of pension to Martin Ressler;

A bill (S. 10384) granting an increase of pension to William Cook;

A bill (S. 10385) granting an increase of pension to John M. Kuntz;

A bill (S. 10386) granting a pension to James Mullin (with accompanying paper);

A bill (S. 10387) granting an increase of pension to John C. Whitaker (with accompanying paper);

A bill (S. 10388) granting an increase of pension to Honora Jane Hoffiger (with accompanying paper);

A bill (S. 10389) granting an increase of pension to John S. Rhoads (with accompanying paper);

A bill (S. 10390) granting an increase of pension to Armstrong Miller (with accompanying paper);

A bill (S. 10391) granting an increase of pension to Harriet W. Wilkinson (with accompanying paper);

A bill (S. 10392) granting an increase of pension to Daniel Grow (with accompanying paper);

A bill (S. 10393) granting an increase of pension to William McGlone (with accompanying paper); and

A bill (S. 10394) granting a pension to Harvey Transue (with accompanying paper); to the Committee on Pensions.

By Mr. BURKETT:

A bill (S. 10395) granting a pension to Jennie L. Comstock; to the Committee on Pensions.

By Mr. SIMMONS:

A bill (S. 10396) granting an increase of pension to William Norton (with accompanying papers); to the Committee on Pensions.

(By request.) A bill (S. 10397) for the relief of the Atlantic Coast Line Railroad Co. (with accompanying papers); to the Committee on Claims.

By Mr. BRISTOW:

A bill (S. 10398) granting an increase of pension to Samuel C. Whitwam; to the Committee on Pensions.

By Mr. RAYNER (by request):

A bill (S. 10399) to give the Court of Claims jurisdiction to hear and determine claims for the payment of medical expenses of sick officers and enlisted men of the Army while absent from duty with leave or on furlough; to the Committee on the Judiciary.

By Mr. BEVERIDGE:

A bill (S. 10400) for the relief of Nathan Mendenhall; to the Committee on Military Affairs.

A bill (S. 10401) granting an increase of pension to George R. Howard;

A bill (S. 10402) granting an increase of pension to Francis M. Hanes; and

A bill (S. 10403) granting an increase of pension to George E. Seneff; to the Committee on Pensions.

By Mr. ELKINS:

A bill (S. 10404) to authorize the Secretary of War to grant a right of way through lands of the United States to the Buckingham & Northern Railroad Co.; to the Committee on Commerce.

By Mr. CLAPP:

A bill (S. 10405) granting an increase of pension to Alonzo J. Mosher (with accompanying papers); to the Committee on Pensions.

By Mr. PAGE:

A bill (S. 10406) granting an increase of pension to Thomas H. Whitman (with accompanying papers); to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 10407) granting a pension to Anna L. Freeman (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 10408) to establish a department of health, and for other purposes; to the Committee on Public Health and National Quarantine.

By Mr. PILES:

A bill (S. 10409) granting an increase of pension to Simeon Lockwood Coen (with accompanying papers); to the Committee on Pensions.

By Mr. BANKHEAD:

A bill (S. 10410) to authorize the Pensacola, Mobile & New Orleans Railway Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line opposite the city of Mobile, Ala.; to the Committee on Commerce.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. JONES submitted an amendment proposing to appropriate \$50,000 to be expended for improving the road between Seward and Iditarod, Alaska, intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. ROOT submitted an amendment proposing to appropriate \$10,000 to enable the Supreme Court to revise the equity, admiralty, and bankruptcy rules, etc., intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PENROSE submitted an amendment proposing to appropriate \$8,000 to enable the Secretary of Agriculture to select, classify, transport, and exhibit at the international congress for the consideration of questions pertaining to the growing of barley and hops and the manufacture of the products thereof at the city of Chicago, October, 1911, intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. WARREN submitted an amendment relative to a proposed increase in the Corps of Engineers, United States Army, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

#### OCEAN MAIL SERVICE AND PROMOTION OF COMMERCE.

Mr. JONES submitted an amendment intended to be proposed by him to the bill (S. 6708) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce," which was ordered to lie on the table and be printed.

#### THE LIFE-SAVING SERVICE.

On motion of Mr. FRYE, it was

*Ordered*, That the bill (S. 5677) to promote the efficiency of the Life-Saving Service, and report accompanying the same (No. 718), Sixty-first Congress, second session, be reprinted for the use of the Senate.

#### MEMORIAL ADDRESSES ON THE LATE SENATORS ELKINS AND HUGHES.

Mr. SCOTT. Mr. President, on behalf of myself and the Senator from Colorado [Mr. GUGGENHEIM] I desire to give notice that on Saturday, February 11, at half past 2 o'clock in the afternoon, I shall ask the Senate to consider resolutions in memory of the late Senator ELKINS, of West Virginia, and the late Senator HUGHES, of Colorado.

#### PUBLIC HEALTH SERVICE.

Mr. SMITH of Michigan. Mr. President, I desire to ask the Senator from Virginia whether he expects to report what is known as the Senator Martin bill, providing for the establishment of a national health bureau. We are being deluged with telegrams regarding that bill and have no information enabling us to answer anyone definitely. Will the distinguished Senator from Virginia enlighten the Senate upon the present status of that bill?

Mr. MARTIN. Mr. President, I am just as anxious as the Senator from Michigan can possibly be to see some measure for the betterment of the Public Health Service reported to the Senate. The committee of which I am chairman has before it a number of bills, among them one introduced at the last session of Congress by the Senator from Oklahoma [Mr. OWEN], which contemplates a new department with a Cabinet officer at its head. The bill is a very comprehensive one. The committee gave very protracted hearings to all the schools of medicine which seemed to think something deadly was aimed at them in that bill. The time at our disposal was devoted to those hearings, and the committee was entirely unable to give such consideration to the measure as would justify a report to the Senate.

At the present session of Congress a bill not so broad in its purport was introduced in the House by Representative MANN. I introduced the same bill in the Senate. I did not mean by introducing that bill to express myself as satisfied with its provisions in dealing with the subject, but I desired the committee to have all the proposed measures before it in order that they might all be considered and that some measure might be formulated which would give additional efficiency to the Public Health Service. We find in relation to this bill, as we found in relation to the bill introduced at the last session by the Senator

from Oklahoma, a very large number of people throughout the country protesting against its provisions on the idea that it interferes with the freedom of medical practice. I desire to state, not only for the information of the Senator from Michigan and the information of other Senators, but for the information of the country everywhere, that neither bill contains one single word, one single sentence, or one single line that interferes with the freedom of medical practice or the art of healing in any shape which the people may desire to have it. I say this because of the great clamor that is going up from one end of the land to the other to the effect that there is a purpose to interfere with the freedom of medical practice, that there is a purpose to have a medical trust through the agency of an act of Congress.

Mr. SMITH of Michigan. If the Senator from Virginia will permit me, I should like to inquire whether there is any immediate prospects of the bill being reported to the Senate.

Mr. MARTIN. It is impossible for me to give a satisfactory answer to that question. I will endeavor to get the consideration of the committee at the earliest possible moment, but with the great demand on the time of each Senator it is impossible for me to foresee the action of the committee. I have talked with different members of the committee with a view of having a meeting, and I find that they are all so much occupied with other measures, the work of other committees, that it is exceedingly difficult to agree upon a day when we can get the attention of the committee to it. I can only say that I shall use every effort in my power—

Mr. SMITH of Michigan. I would not have the Senator from Virginia think that I am pressing for committee conclusion on the bill, but I have hundreds of protests against it, and I felt that the people who are interested in it or against it are entitled to be heard before the matter comes before us for action. Therefore I hope the Senator from Virginia will not press the matter upon the Senate until we have had an ample opportunity to be heard on it.

Mr. MARTIN. I will say that the committee has devoted weeks of time to hearing parties who were opposed to the bill, and if we delay until everybody is heard who wishes to repeat the same old tale that has been many times told us already we will never get a bill before the Senate for its consideration.

Mr. HALE. Mr. President—

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Maine?

Mr. MARTIN. I yield to the Senator.

Mr. HALE. I hope the Senator is quite right in his last expression, that he will never get a bill reported. There is an immense protest from all over the country against this legislation. Whether there is anything in the different propositions that in terms interferes with medical practice, which at present is conducting itself in a very reasonable and proper manner, I do not know; but any attempt at legislation, with the protests from every part of the country, will be resisted. I trust that with the conservative attitude the Senator takes upon this matter with reference to taking ample time for consideration, in view of the other things which occupy the attention of the Senate, that hereafter we shall hear little more during the present session upon the subject.

Mr. MARTIN. Mr. President, the Senator from Maine may rest assured that no bill will be reported to the Senate until adequate hearings have been had and until mature consideration has been given to the measure. But I can not agree with the Senator that it would be unwise ever to report any bill for the improvement of the health service of the United States. I believe that the health of the country is entitled to consideration at the hands of Congress.

The bill which I introduced is so brief that for the enlightenment of those who are protesting against the bill I call attention to its provisions. It continues in force existing laws and then contains the provision I shall read. It is so exceedingly brief that I will read it, and reading it, a wayfaring man though a fool, I think, will see that it in nowise interferes with the freedom of medical practice:

The Public Health Service may study and investigate the diseases of man and conditions influencing the propagation and spread thereof, including sanitation and sewerage and the pollution, either directly or indirectly, of the navigable streams and lakes of the United States, and it shall from time to time issue information, in the form of bulletins and otherwise, for the use of the public.

That is all the bill contains in reference to increased power and jurisdiction of the health service of the United States—to investigate the causes of disease and the propagation thereof, and the pollution of our streams, and the systems of sewerage most promotive of the health of the country. Is there anything in a provision like that which interferes with the freedom of



medical practice? If so, I confess that my mind is unable to take it in.

I think a large number of most estimable men throughout the country have conceived a very erroneous idea about the purposes of this bill. I am not unmindful of the protests which are being made against it. I received in one day 1,000 telegrams, almost all of them worded exactly alike, evidently the work of an organization, evidently emanating from some one head. I received, I say, 1,000 telegrams in a single day protesting against this bill on the ground that it would interfere with the freedom of medical practice.

Mr. President, I would be as unwilling as any one of these protesting parties to vote for or support any measure that would interfere with the freedom of medical practice, but I am anxious to have some legislation which will increase the efficiency of the Public Health Service of the United States.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from New Hampshire?

Mr. MARTIN. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I came in a little late. I will venture to ask the Senator what his proposition is.

Mr. MARTIN. I do not submit any specific proposition. I say that I wish Congress would enact some law which will increase the efficiency of the Public Health Service. Several bills for that purpose have been introduced, one of them, a very comprehensive bill, by the Senator from Oklahoma [Mr. OWEN] and another introduced by me, which does not propose an independent department, but simply to increase the efficiency of the Bureau of Health as it now exists.

Mr. GALLINGER. Mr. President, what I had in mind was to ask the Senator from Virginia if the committee—I think the Senator is on the committee which has jurisdiction over these bills, is he not?

Mr. MARTIN. I am the chairman of the committee that has these bills under consideration.

Mr. GALLINGER. What I wish to ask the Senator is whether or not a report has been made.

Mr. MARTIN. A report has not been made.

Mr. GALLINGER. Has the testimony been printed?

Mr. MARTIN. We have had hearings running through weeks. All of the testimony given has been printed and has been largely distributed throughout the country.

Mr. GALLINGER. In my mail last evening, I will say to the Senator, I received a lengthy letter from a very distinguished physician belonging to one of the recognized schools of medicine in a Western State. I have not even had time to read it, but I read enough to note that he thinks that, if legislation is to be had, there is a better method than has been proposed in these bills; but perhaps he is wrong about that.

I have very grave doubts as to the desirability of the legislation proposed in the bill introduced by the Senator from Oklahoma, because, while it was stated that the President had recommended it, the President has not recommended it. That bill provides that there shall be a Cabinet officer at the head of the health department, while the President has never gone beyond saying "a bureau of health," which we now have, and which I think the Senator's bill proposes to enlarge to some extent.

Mr. MARTIN. The Senator from New Hampshire is right. The President, in his annual message, did recommend an increased efficiency and jurisdiction for the Bureau of Health; but he did not recommend a department with a Cabinet officer at its head. The committee have both of those measures under consideration; and if it is possible to get time to consider them carefully, thoroughly, and deliberately I hope they will report some measure for the consideration of the Senate. For my part I think there should be legislation increasing the efficiency of the health service of the National Government.

#### SENATOR FROM ILLINOIS.

The VICE PRESIDENT. Is there further morning business? If not, morning business is closed. Without objection, the Chair will lay before the Senate the report of the Committee on Privileges and Elections relating to charges preferred against WILLIAM LORIMER, a Senator from the State of Illinois.

Mr. GAMBLE. Mr. President, the Forty-sixth General Assembly of the State of Illinois convened on the 6th day of January, 1909, at Springfield, the capital of the State, and each house was duly organized. Among the duties imposed upon the legislature by law was the selection of a United States Senator to succeed Albert J. Hopkins, then a Senator of the United States from said State, whose term expired March 3, 1909.

Under the law the legislature consisted of 204 members, of which 51 were senators and 153 were representatives.

The political affiliations of the membership of the two bodies were as follows: In the senate 38 Republicans and in the house 89; total, 127 Republicans; and there were in the senate 13 Democrats and in the house 64, making a total Democratic membership of 77.

Under the Federal as well as the State statute, each house of the legislature was lawfully convened on January 19, 1909, and a separate ballot for United States Senator was had in each house with the following result:

Senate.	Votes.
Mr. Hopkins received.....	26
Mr. Foss received.....	10
Mr. Mason received.....	2
Mr. Stringer received.....	13

A majority of 1 for Mr. Hopkins.

House.	Votes.
Mr. Hopkins received.....	61
Mr. Foss received.....	15
Mr. Mason received.....	4
Mr. Stringer received.....	63
Mr. Shurtleff received.....	3

No majority.

Total number votes cast, 197.

On January 20, 1909, in pursuance of law, the two houses convened in joint session, and as the record of the preceding day disclosed that no candidate received a majority of all the votes cast in the two houses separately, a vote was had for United States Senator with the following result:

States Senator with the following result.		Votes.
Mr. Hopkins received	-----	89
Mr. Foss received	-----	16
Mr. Mason received	-----	6
Mr. Shurtleff received	-----	12
Mr. Stringer received	-----	76

Total number of votes cast, 199, and no candidate received a majority thereof.

The legislative assembly continued in regular session and separate votes were cast each day; it was so in session for the election of a United States Senator without result until the 26th day of May, 1909, when on a roll call by the joint session the following vote was cast:

		Votes.
Mr. LORIMER received	-----	108
Mr. Hopkins received	-----	70
Mr. Stringer received	-----	24

Total number of votes cast, 202.

And thereupon Mr. LORIMER was declared elected for a term of six years to the United States Senate from March 4, 1909, and a certificate of election in conformity therewith was duly issued to him by the governor on the 27th day of May, 1909.

It appears from the evidence that in the vote cast for Mr. LORIMER resulting in his election 55 were Republicans and 53 were Democrats. Those members of the legislature who voted for Mr. Hopkins were all Republicans, and those voting for Mr. Stringer were Democrats.

On the 18th day of June, 1909, the credentials of Mr. LORIMER as a United States Senator were submitted to the Senate, and on that day the oath of office was duly administered to him, and he took his seat as a Member of this body.

On the 28th day of May, 1910, Senator LORIMER rose to a question of personal privilege and addressed the Senate as to acts of bribery and corrupt practices charged in the public press in connection with his election to the United States Senate, and denied any knowledge of or connection, directly or indirectly, therewith or participation in the same, and submitted a resolution asking for an investigation by the Senate to ascertain the facts in connection with the charges made.

Subsequently, on June 7, 1910, the senior Senator from Illinois presented to the Senate a memorial subscribed by Clifford W. Barnes, president of the Legislative Voters' League of the State of Illinois, charging corruption and bribery in the election of Senator LORIMER, which was printed in the CONGRESSIONAL RECORD of that date.

Thereafter the Committee on Privileges and Elections reported to the Senate a resolution covering the subject, and on June 20, 1910, the Senate passed the resolution directing that the Committee on Privileges and Elections or any subcommittee thereof be authorized to investigate certain charges against WILLIAM LORIMER, a Senator from the State of Illinois, and to report to the Senate whether in his election to the United States Senate there were used or employed corrupt methods or practices.

Pursuant to said resolution, the subcommittee so authorized convened in the city of Chicago, Ill., on September 20, 1910, and duly organized and proceeded to carry out the order and direction of the Senate, and concluded the taking of testimony at that place on October 8, 1910. Mr. Clifford W. Barnes, through whom the formal charges were submitted to the Senate, was

called before the subcommittee at its opening session, and stated it was without the province of the league with which he was associated to employ attorneys in the matter in question, nor had they the evidence in hand with which to make it possible to submit to the subcommittee such testimony as would give proper data upon which to act, and requested that the Chicago Tribune be permitted to appear by counsel to that end, which was accordingly done.

Senator LORIMER appeared in person and also by attorney.

All witnesses suggested or named by either party were subpoenaed and appeared before the subcommittee and testified, and in addition a number of witnesses were subpoenaed at the instance of the subcommittee itself, whose names were disclosed in the testimony given wherein it was thought any substantial matter might be discovered for the information and guidance of the subcommittee on the subject in hand. Forty witnesses testified before the subcommittee, including 18 members of the legislature.

At the conclusion of the testimony in Chicago the respective attorneys stated they had no further evidence to submit for the consideration of the subcommittee at that time. A subpoena had been issued but not served upon Robert E. Wilson, a member of the house of representatives, and it was understood at that time in case the service could be had and the witness produced the hearing would again be further taken up at Washington, and the subcommittee adjourned subject to the call of the chairman of the committee.

The subcommittee was reconvened on December 7, 1910, in the city of Washington, and further hearing was had in the room of the Committee on Privileges and Elections, and at that time the witness Robert E. Wilson appeared and was examined. At the conclusion of his testimony the respective counsel stated they had no further evidence to produce, nor were the names of any other witnesses suggested by any member of the committee, and the taking of the testimony was concluded on that day.

Subsequent to the close of the legislative session one Charles A. White, a Democratic member of the house, prepared a manuscript detailing, as he claimed, legislative corruption in the Forty-sixth General Assembly of the State of Illinois, and offered the same for publication to different publishers, all of whom rejected it. The manuscript was submitted by White early in March, 1910, to the Chicago Tribune. On April 30, 1910, the Chicago Tribune purchased the manuscript from White, paying therefor \$3,500. In the meantime, after its submission and prior to its publication, the Chicago Tribune made an exhaustive investigation throughout the State to demonstrate, if possible, the truthfulness of the statements therein contained, and on April 30 published extended excerpts therefrom.

Following this publication and the scandal it created special grand juries in Cook and Sangamon Counties, Ill., were convened to investigate the charges made in the publication. Exhaustive investigations were had in both counties, and many witnesses were subpoenaed and gave testimony. As a result indictments were returned against different members of the legislature, and amongst them Lee O'Neil Browne, for the bribery of White, a member of the legislature, in voting for Senator LORIMER; Michael S. Link, a representative, for perjury; John Broderick, a senator, alleging bribery of D. W. Holstlaw, a senator, in voting for Senator LORIMER; Robert E. Wilson, a representative, for perjury; and also indictments against Holstlaw, Clark, and others for corruption in connection with their duties on a committee as members of the legislature in the purchase of certain furniture for the State.

I think it was felt by the members of the subcommittee at the time of their appointment in June, 1910, that the respective trials under these indictments should be permitted to proceed in regular course, uninterrupted and unembarrassed as much as might be by this investigation, so that the subcommittee as a result would be in position to take advantage of all disclosures made in the respective trials that in any way would aid in developing to the fullest extent the information sought under the resolution of the Senate. The subcommittee, however, was most solicitous that the fullest investigation should be had and all the facts possible developed, and the investigation concluded, so it might be able to submit its report at the earliest practicable date after the convening of the Senate in December.

The trial of Lee O'Neil Browne for the bribery of White on the matters herein charged was had in Cook County in the month of June, 1910, and resulted in a disagreement of the jury. He was again put on trial upon the same indictment in the month of August following, and the jury returned a verdict of not guilty on the 8th day of September, 1910. No other trials were had under the other indictments prior to the convening of the subcommittee in September.

As a result of the exhaustive investigation made by the Chicago Tribune, through its personal representatives and detectives throughout the State, and the investigations had before the different grand juries of the respective counties, and from the disclosures in the testimony in the case of Lee O'Neil Browne, the subcommittee was in position to take advantage therefrom; and in addition to the witnesses testifying before the respective juries and on the trial, much other independent evidence was adduced. The subcommittee sought to secure and have produced all competent and legitimate testimony pertinent to the inquiry, and no witness was suggested by any party connected with the hearing that was not produced and his testimony taken.

Mr. President, it is my understanding of the law as applicable to the case in question, in order to invalidate the title of Senator LORIMER to his seat in the Senate it would be necessary to show either—

1. That in his election he directly participated in one or more acts of bribery or attempted bribery, or had knowledge of or sanctioned and encouraged such act or acts of bribery.

2. That by corrupt practices or through bribery a sufficient number of votes were secured in his interest, and actually voted for him, and that the number so secured was sufficient to change the result of the election.

As applying to the first proposition, I quote the following from pages 66 and 67 of the testimony in the case:

Senator HAYBURN. I would suggest it might be well for you here to state what you expect to prove, in order that we may apply the law as to such proof.

Mr. AUSTRIAN. I expect to prove—

Senator BULKELEY. Do you expect to connect Mr. LORIMER with this?

Mr. AUSTRIAN. No, sir; not in that way at all.

Judge HANEY. That is, you do not intend to connect Senator LORIMER?

Mr. AUSTRIAN. I personally do not intend to connect Senator LORIMER. The statement made here by the witnesses that they had some talk with Mr. LORIMER, the committee will please understand, of course, these witnesses I have never talked with—never talked with but two of the witnesses who will be called upon the witness stand.

Judge HANEY. You do not claim that any witness will say that he ever talked with Senator LORIMER about money?

Mr. AUSTRIAN. I know of no one.

Judge HANEY. You say, in that connection—you said that they would show that they had some conversation with Senator LORIMER?

Mr. AUSTRIAN. Oh, they had; but what that conversation was I do not know.

Judge HANEY. But not in relation to the payment of money or any corrupt practice, you do not mean?

Mr. AUSTRIAN. I should say not.

Mr. President, it will be observed it was not claimed in what may be properly termed the prosecution in this case that Senator LORIMER, directly or indirectly, participated in any act of bribery or corrupt practice, and no evidence whatever was adduced in the remotest degree, in my judgment, tending to connect him with any act of bribery or corruption, or that he had or was possessed of such knowledge, and no evidence was attempted to be introduced or offered that in the slightest degree would impeach the integrity of the title to his seat in this body under the first proposition above stated.

As sustaining the second proposition, different members of the legislature gave testimony confessing to acts of bribery, and other evidence was submitted to the committee for its consideration to impeach the validity of other votes cast for Senator LORIMER.

Mr. President, it is not my purpose to detain the Senate with an elaborate discussion or analysis of all the evidence submitted to the subcommittee for its consideration. It is, however, my purpose as briefly and succinctly as I can, and fairly, to submit for the consideration of the Senate such excerpts from the testimony of the respective witnesses which I consider material and vital in the consideration of the questions at issue.

CHARLES A. WHITE.

I will eliminate, however, and will not burden the Senate with the recital or statement of the details of the testimony of the witness White, a member of the house, upon whose statements or confession the initiation of these proceedings was largely based. I will, however, allude to it incidentally and generally.

In my opinion White is a creature so low and vile and possessing a character so reprehensible and his conduct has been such that in no sense would I give credence to his unsupported testimony. By many reputable witnesses much of his testimony was impeached, and his whole career in the legislature demonstrated him to be a man of low instincts, dissipated, profligate, seeking profit and unworthy gain in connection with measures pending before the legislature. His unworthy motives were clearly disclosed by independent and reputable witnesses who could have no motives other than the statement of the truth. His character was that of a bravo, and he unblushingly made



threats of his intended purpose throughout to secure a money consideration from the confession of his own ignominy, shame, and disgrace.

Mr. BRISTOW. Mr. President—

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Kansas?

Mr. GAMBLE. Yes; with pleasure.

Mr. BRISTOW. I should like to inquire of the Senator from South Dakota if he feels that Mr. Browne, the member, was on the same par as to character with White.

Mr. GAMBLE. I have sought to prepare my argument and submit it in consecutive order. It is my purpose to refer to the testimony of White, of Browne, of Link, and of every other witness who testified in relation to bribery, and to give my estimate as to the testimony of each, respectively. And I will take it up, and prefer to do so in order, and in the regular course of my remarks.

Mr. BRISTOW. Then I understand the Senator refuses to answer the question?

Mr. GAMBLE. I prefer to answer it in my own way, and in my own time.

Mr. BRISTOW. Thank you.

Mr. GAMBLE. Independent of his oral statements in this regard, testified to by others, the communication from White to Senator LORIMER of December 12, 1909, wherein he suggested a compensation for his manuscript of \$75,000, is in itself a most glaring exhibition of attempted corruption and blackmail, and an indication that he possessed an exaggerated conception of the work he had in hand. The reply he received would indicate that Senator LORIMER was not apprehensive of the validity of the title to his seat from the threatened disclosures.

White, among other things, testified he received \$100 from Lee O'Neil Browne in Springfield at the close of the session of the legislature, or possibly a week before that, and, subsequently, on the 16th day of June, at the Briggs House in Chicago, Browne gave him \$50 and told White to come around to his (Browne's) room in the hotel the next morning and he would give him the remainder of the "Lorimer money." White stated he went to Browne's room at the hotel the next morning and Browne gave him \$850, counting it out in \$50 bills, and told White that was "my Lorimer money." White further stated he met Wilson at St. Louis on July 15, 1909, at the Southern Hotel, at Wilson's request, and that he also met at the same place Beckemeyer, Clark, Luke, Shephard, and Link, Democratic members of the house; that he with the above parties went to Wilson's room; that the room had connected with it a bathroom; that Wilson invited Shephard into the bathroom, and after Shephard came out Wilson invited White into the bathroom and White went in and Wilson counted out nine \$100 bills into White's hand and said that was all of it and he was glad to be relieved of the burden.

White further stated he remained in the room until Wilson was ready to go to the depot, and that no one else went into the bathroom except Shephard that he saw or knew of.

D. W. HOLSTLAW.

D. W. Holstlaw, a Democratic member of the State senate, testified that on the evening prior to the election of Senator LORIMER, on May 26, 1909, he met John Broderick, a member of the State senate, outside the St. Nicholas Hotel at Springfield, and Mr. Broderick said to him, "We are going to elect Mr. LORIMER to-morrow, ain't we?" "I told him, 'Yes; I thought we were and I intended to vote for him; and he says, 'There is \$2,500 for you.' I don't remember whether he said, 'If you vote for him.' I didn't say a word in reply."

It appears the witness was indicted on the 28th day of May, 1910, by the grand jury of Sangamon County for perjury, and subsequently on the same day the witness signed a written statement concerning the subject matter of another transaction as well as this conversation, and the statement was introduced in evidence before the subcommittee. As a result of the signing of the statement, and the statements therein made, the indictment on the following day was dismissed and the defendant discharged therefrom.

Holstlaw further stated that on or about the 16th of June, 1909, in pursuance of a letter or notice from Broderick, he called at the place of business of Broderick in Chicago and that Broderick handed him a package containing \$2,500 with the statement, "Here is that money." Subsequently upon the same day he deposited the money in the State Bank of Chicago. The witness further testified that some time during the month of July following Broderick at the same place paid him \$700.

H. J. C. BECKEMEYER.

H. J. C. Beckemeyer, among other things, testified that he was a member of the house, and that about two nights before

the election of Senator LORIMER Lee O'Neil Browne had a talk with him in regard to voting for Senator LORIMER; that no money consideration was offered him to vote for Senator LORIMER, or that he would be paid anything if he did so vote for him. He also stated he afterwards met Browne, he thought about the 12th of June, at Starved Rock, and Browne stated that within a week or such a matter he would see him and hand him a package that he wanted to give him. Beckemeyer further testified that he received a communication from Lee O'Neil Browne to meet him at the Southern Hotel at St. Louis on the 21st of June, 1909; that he did so meet him, and at that time Browne handed him \$1,000, with the statement, "This is Lorimer money," and that "there would be some more in the future." This occurred in the room occupied by Browne at the hotel. Beckemeyer stated further the only other person he saw in Mr. Browne's room was Henry Shephard, and that as he was going into Browne's room Shephard was just coming out.

The witness testified that subsequently he received a communication from Robert E. Wilson, a Democratic member of the house from Cook County, to meet him at the Southern Hotel in St. Louis on the 15th of July; that he did so meet Wilson in his room at the hotel, and there were also present at the same time Clark, Shephard, Luke, Wilson, and himself, and that Wilson at that time paid the witness \$900.

This witness was taken before the grand jury of Cook County in the month of May, 1910, and testified that he had not been at St. Louis on June 21 or on July 15, 1909, and thereupon he was threatened with an indictment for perjury, and again went before the grand jury, and as a result testified that he had been at St. Louis on the dates aforesaid, and gave other testimony.

MICHAEL S. LINK.

Michael S. Link, among other things, testified he was a member of the house, and that some 10 days prior to the election of Senator LORIMER he had a talk with Lee O'Neil Browne in regard to voting for Mr. LORIMER, and that he stated to Browne that about a week or 10 days prior he had promised Mr. LORIMER that he would vote for him; that he was notified to meet Mr. Browne in St. Louis, and that he did so, at the room of the latter in the Southern Hotel, some time in the month of June, 1909, and that Mr. Browne stated to him, "Here is a package for you," and the same was given to him, and that the witness subsequently counted the money and there was \$1,000; that at that time he saw no other members of the legislature there; that in the month of July following he was invited to St. Louis, and there met Robert E. Wilson at the Southern Hotel, and that Shephard, Clark, Luke, and White were also there; that Wilson handed him a package, with the statement, "Here is some money," or "Here is a package;" and that the amount, after he had later counted it, he found to be \$900; that he did not see Wilson hand to any other of the members present a package or money.

It appears this witness was called and testified before the grand jury of Cook County in the month of May, 1910, and that he was indicted for perjury in that he stated before the grand jury he had not met Wilson at St. Louis; and assurances were given him by the district attorney if he would again go before the grand jury and testify to the facts called for he would dismiss the indictment. The witness did so, and the indictment was dismissed.

GEORGE W. MEYERS.

George W. Meyers, a Democratic member of the house, among other things, testified that on the morning of May 26, 1909, immediately prior to the taking of the vote for United States Senator, he went to Mr. Browne, on the floor of the house of representatives, and that Browne stated to him they were "going to put this over to-day," and that Browne would like to have Meyers "go with us;" that Browne further stated there were some good State jobs to give away and the ready necessary. Meyers declined to and did not vote for LORIMER.

HENRY A. SHEPHARD.

Henry A. Shephard, a Democratic member of the house, among other things, testified to a conversation with Browne in regard to voting for Senator LORIMER, and with Senator LORIMER, personally, on the morning of May 26, 1909, which had relation to the appointment of a postmaster in his home town, and in regard to which Senator LORIMER promised Mr. Shephard that he would not favor the appointment of the two parties named to which Mr. Shephard was opposed, and for this reason, Mr. Shephard states, he voted for Mr. LORIMER. He further testified he met Lee O'Neil Browne at the Southern Hotel, in St. Louis, on the 21st day of June, 1909, and on that occasion he thought he met Beckemeyer in Browne's room, and that he did not see Browne hand Beckemeyer a package, and that no money or other consideration at that time, or any other time,

was given him by Browne, or by any other person; that on the 15th day of July, 1909, he met Wilson at the Southern Hotel, in St. Louis, and he also met Link, Luke, and, he thought, Beckemeyer and White, also Clark. He did not receive any message from Wilson to meet him at the hotel, but met Representative Luke on the street, and was informed by him that Wilson was at the Southern Hotel, and he went, as he stated, and called upon him. Shephard denied receiving any money or packages from Wilson and stated that he was in Wilson's room about half an hour; that he saw no private conversation between Wilson and the other parties; and that no money was given to or received by him.

JOSEPH S. CLARK.

Joseph S. Clark, a Democratic member of the house, among other things, testified that he did not meet Browne at St. Louis on June 21, 1909, and was not present on that occasion. He met Robert E. Wilson at the Southern Hotel about July 15 in the room occupied by Wilson, and that was the first time he had met him since the adjournment of the legislature; and he also met at the same place Shephard, Link, and Luke. The witness denied receiving any money or package from Wilson, and stated he was in the room about 10 minutes. The witness further denied that he had ever been paid or received anything in consideration of his vote for Senator LORIMER, and denied that he had ever stated to Beckemeyer that he had received \$1,000, or any other amount, for his vote, or that he had discussed with White the matter of the distribution of money during the session of the legislature. This witness was indicted by the grand jury of Sangamon County jointly with Holstlaw in regard to malfeasance while a member of a legislative committee in the purchase of certain furniture for the State.

HENRY TIRRELL.

Henry Tirrell, a Republican member of the house, testified, among other things, that the night previous to the election of Senator LORIMER he made inquiry of Mr. Griffin, a Democratic member of the house, what there would be in it if he voted for Mr. LORIMER, and Mr. Griffin made the reply to him, "A thousand dollars anyway." Mr. Tirrell did not vote for Senator LORIMER, but for Senator Hopkins, and asked the question solely, as he stated, for the purpose of information and to gratify his curiosity.

JOHN GRIFFIN.

John Griffin, a Democratic member of the house, among other things, testified that he did have a conversation with Henry Tirrell in regard to voting for Senator LORIMER on the evening of May 24, 1909, but denied that any word passed between them in regard to money or that the payment of money was mentioned between them.

Mr. BEVERIDGE. Does the Senator desire not to be interrupted?

Mr. GAMBLE. I prefer not to be interrupted until I have concluded. After I have concluded, I will be very glad to respond to any interrogatory that may be put to me.

Mr. BEVERIDGE. I desired to ask a question for information so as to keep the connection, but I will not interrupt the Senator.

JOHN BRODERICK.

Mr. GAMBLE. John Broderick, a member of the State senate, among other things, testified that he did not have the conversation alleged on the evening of the 25th of May, 1909, with Holstlaw; that he might have met him and some words passed between them, but no mention or suggestion of money in any sum, \$2,500 or otherwise, was ever made; that Holstlaw was in his saloon some time during the month of June, 1909, and at that time or at no time did he ever pay or deliver to Holstlaw \$2,500 or any sum of money whatever; that he never saw Holstlaw in his saloon or place of business in the month of July, 1909, and that at no time did he ever pay or give him \$700 or any other sum of money; that he never received any money or other thing of value for or on account of his vote for Senator LORIMER. Broderick was a member of the State senate for the forty-first, forty-second, forty-fourth, forty-fifth, and forty-sixth general assemblies, and was reelected to the forty-seventh. Broderick stands under indictment in Sangamon County in connection with the matters alleged in the testimony of the witness Holstlaw.

LEE O'NEIL BROWNE.

Lee O'Neil Browne, the Democratic minority leader of what was known as the Browne faction, stated, among other things, that two or three weeks prior to the election of Senator LORIMER he was approached by Speaker Shurtleff looking to his cooperation to bring about the election of Senator LORIMER, and that subsequently and about a week later he determined to do so,

and that probably for two weeks before the election he was in conference with Speaker Shurtleff, Mr. LORIMER, and others, looking to the bringing about of such result; that 30 of the 37 members of what was known as the Browne faction voted for Senator LORIMER; that he met at the Southern Hotel in St. Louis, upon his invitation, June 21, 1909, Henry Shephard, Michael S. Link, Beckemeyer, and Luke; that he did not meet Clark; that St. Louis was the usual place of meeting with members from the southern part of Illinois, where these parties resided, and that he met them for the purpose of a political conference and keeping in touch with them; that he did not at that time or place or any other give Shephard, Link, Beckemeyer, or Luke \$1,000 or any other sum of money. He further stated that he never paid White the sums of money so testified to by White, either in whole or in part, at any time or place, or made the statements in connection therewith attributed to him by White, but did testify that on the morning of June 17, 1909, he loaned White \$25 or \$30, and this transaction, he stated, was had in the open lobby of the office at the Briggs House, in Chicago, and which fact was corroborated by another witness. He further denied the statements attributed to him by the witness Meyers and denied that any such conversation occurred at the time, and that the reason therefor was about a week before he had spoken with Meyers, and at that time Meyers informed him he would not vote for Senator LORIMER.

As the testimony of this witness has heretofore been referred to in this debate, I think, Mr. President, it might be well for me to digress somewhat from my argument and call the attention of the Senate to the material part of his testimony. I refer to page 312 of the record in the testimony of the witness Meyers. This question was propounded to him:

Q. Prior to the time of that vote on the 26th of May, 1909, when the joint assembly was in session, did you have any conversation with Lee O'Neil Browne?—A. I had.

I especially call attention to the fact that here is a charge of attempted bribery made in the immediate presence of the joint legislative assembly. Such a case, under such surroundings and in such a pretense, seems to me incredible. I will not take the time of the Senate to read further from the evidence of the witness. The simple statement of the fact, it occurs to me, is sufficient. This testimony, as I said, is denied by Browne and by Speaker Shurtleff, and it is asserted by both of these parties the conversation could not and did not occur as claimed by the witness at the time and place stated. Both stated they had a conversation with the witness, but at a different time, and some days prior.

Mr. BEVERIDGE. I hope the Senator will read just that page.

Mr. GAMBLE. I will do so with pleasure, if the Senator so desires.

The PRESIDING OFFICER (Mr. CURTIS in the chair). The Chair desires to call the Senator's attention to the fact that a Senator on the floor can not be interrupted without first obtaining his permission.

Mr. GAMBLE. I have no objection and will cheerfully read the testimony for the information of the Senate and for the edification of the Senator from Indiana.

Following the question and reply which I have already read, this testimony of the witness immediately follows:

Q. Where?—A. In the house there.  
Q. While the two houses were in joint session?—A. Yes, sir.  
Q. How long before the taking of the vote for United States Senator?—A. Fifteen or twenty minutes, I do not know just how long; just a short time.  
Q. Will you tell the committee who sent for you, if anyone?—A. Well, there was a page came to me and said Mr. Browne wanted to see me.  
Q. Where were you when he came to you and told you Mr. Browne desired to see you?—A. I was at my desk.  
Q. How far removed from Mr. Browne's desk was your desk?—A. My desk was three rows back of Mr. Browne's.  
Q. Pursuant, or in response to that message, did you go to Mr. Browne's desk?—A. I did.  
Q. Will you tell the committee what, if any, conversation you then had with Mr. Browne?—A. I went down to his desk and sat down on a chair right beside him, and he says: "We are going to put this over to-day, and I would like you to go with us." I says: "Lee, I can't do it."  
Q. What else?—A. Then he says that there are some good State jobs to give away and the ready necessary. I says: "I can't help it; I can't go with you."  
Q. "The ready necessary," that is correct, is it, that I repeat?—A. Yes, sir.  
Q. Mr. Meyers, did anything else take place between you and Mr. Browne at that time?—A. Well, he insisted upon me to see the speaker, that is all; that was the end of our conversation as far as that was concerned.  
Q. Did he state why he wanted you to see the speaker?—A. No, sir; he only said the speaker wanted to see me, and for me to go and see the speaker.  
Q. Did you see the speaker?—A. Yes, sir.  
Q. What conversation did you have with the speaker?—A. He was standing behind his desk and turned around and we shook hands; I think we shook hands; and he says: "We are going to put this over



to-day. I would appreciate it if you would help us out," or "go with us," something to that effect.

Q. What did you reply?—A. I told him I could not.  
Q. Did that terminate the conversation?—A. He said: "I should appreciate it very much if you can see your way clear to go with us." I told him I could not and went back to my desk.

Browne testifies that a conversation did occur between Meyers and himself, but at another time and place and at an earlier date, and that nothing was said in regard to "the ready necessary," nor was there any attempt to improperly influence Mr. Meyers or to corrupt his vote by bribery or otherwise. Further than that, though I do not submit it as controlling evidence here, the fact that Mr. Meyers went to Lee O'Neil Browne's desk at the time and under the circumstances is denied by the page who was in constant attendance upon Mr. Browne, as well as by Mr. Alschuler, a member of the house who sat immediately behind Mr. Browne during the time named.

Mr. PAYNTER. And Mr. Alschuler has recently been elected minority leader.

Mr. GAMBLE. And Mr. Alschuler, as suggested by the Senator from Kentucky, has recently been elected minority leader of the Legislative Assembly of Illinois.

Browne further stated that no assurances were made to him by either Senator LORIMER, or anyone representing him, that there was to be any division of the patronage, Federal or State, directly or indirectly, or that any benefits, directly or indirectly, or that any money or patronage would go to him or any of his followers for their activity or interest in securing the election of Senator LORIMER as United States Senator; and denied that money for campaign purposes or otherwise, either before or after Mr. LORIMER's election, came into his possession to be used for campaign purposes or otherwise; and that he never paid anyone any money at any time as a result of their having voted for Mr. LORIMER or to induce them to so vote. The witness Browne, while on the stand, submitted the following letter which he received from the witness Link on September 13, 1910:

MITCHELL, ILL., 9/12.

HON. LEE O'NEIL BROWNE, Ottawa, Ill.

DEAR LEE: I want to congratulate you on your complete vindication of the charge of bribing one Chas. A. White to vote for Mr. LORIMER. I don't believe you made any attempt to bribe anyone. You have certainly suffered this long siege in proving that some one sold a lie to the Chicago Tribune.

May you be nominated the 15th and triumphantly elected in November. The prayers of a prominent member of my family will be with you.

Yours, etc.,

EDWARD SHURTLEFF.

M. S. LINK.

Edward Shurtleff, speaker of the house, among other things, stated that he did not himself, nor did he authorize any other person for himself or for Mr. LORIMER, to say they would be paid or receive any money or anything of value if they voted for WILLIAM LORIMER, or because they had voted for him, for United States Senator, and that he did not give money or anything of value, directly or indirectly, to anyone to induce them to so vote, nor did he receive any money or anything of value for so voting for him.

ROBERT E. WILSON.

Robert E. Wilson, among other things, stated that on July 15, 1909, at his invitation, he met Beckemeyer, Luke, Link, Clark, and White, and that Shephard was also present, at the Southern Hotel, in St. Louis, and that his object in meeting them was for the purpose of discussing the propriety of giving a banquet to Lee O'Neil Browne, the minority leader, as had been done in the case of the Tippet faction; that he did not pay or deliver to any of the parties named or anyone else, at that time or any other time, \$900 or any other sum of money.

CHARLES S. LUKE.

Mrs. Luke, the widow of Charles S. Luke, a member of the house, testified, among other things, that her late husband died on the 21st of February, 1910; that her husband, some time after his return home after the adjournment of the legislature, received a telegram from Robert E. Wilson; that he read it to her, and that subsequently he went to St. Louis, and that upon his return she saw no money that he had nor did he exhibit any to her; that she did see in his possession \$950 after he went to St. Louis, and that he had not been to Chicago or St. Louis prior to the time she saw him in possession of this money; that the bills were in small denominations.

Mr. President, if there be any question about the testimony of Mrs. Luke, I will later read her testimony in full to the Senate.

JOHN H. DE WOLF.

John H. De Wolf, a member of the house, was called as a witness and testified in regard to the purchase of a tract of land adjoining his premises and disclosed fully to the subcommittee the entire transaction, the payment in cash of \$600, the

delivery of the deed, and the taking up and renewal of mortgages. There was nothing disclosed in his testimony which would indicate in the slightest degree any questionable feature in the transaction. Although this witness has been attacked in argument before the Senate, the attorney for the Chicago Tribune, in his original brief, made no claim that his vote was tainted or that it should or could be impeached.

Mr. President, it might be of advantage to summarize the evidence as affecting the individual members of the legislature whose votes are questioned. White confessed to bribery and the receipt of money as a consideration for his vote. Beckemeyer, Link, and Holstlaw also confessed to bribery and the receipt of money.

Shephard testified as to his request that neither of the two parties named should be appointed to the position of postmaster of his home town. This was a negative and not an affirmative promise made by Senator LORIMER, and in no sense, it occurs to me, would it come under the inhibition of the statute as to bribery. Shephard denies that he received money or any other consideration from either Browne or Wilson, or from any other person; that he was not notified to meet Wilson, but saw him at the suggestion of Luke, who met him upon the streets of St. Louis upon the morning of the meeting; he stated he visited the safety-deposit vault before meeting Wilson. No witness testified that Shephard received money from either of the parties named.

Mr. President, let me read a part of the testimony of the witness Shephard. It appears that a week or 10 days prior to the election of Senator LORIMER Lee O'Neil Browne had a conversation with Shephard and asked him to vote for Senator LORIMER.

Mr. Shephard replied that he would not do so, but he might be persuaded to vote for Senator LORIMER if neither of two certain parties whom he named, who were candidates for the position of postmaster at his home town, were appointed to the position. Mr. Browne stated to him that such a thing could not enter into it, and the subject was dismissed. On the morning of May 26, not long prior to the convening of the joint legislative assembly, Mr. Browne, who was in the hall of the house, sent for Shephard and suggested that he talk with Senator LORIMER personally on the subject matter of their prior interview. This perhaps is sufficiently explanatory of the interview of Shephard with Senator LORIMER immediately following. I read now from the testimony of the witness Shephard:

Mr. LORIMER was in the speaker's room. I went behind the speaker's chair to the speaker's room. Mr. Browne was in the hallway that runs in front of those rooms and Mr. LORIMER was in the speaker's room. Mr. Browne started to introduce me to Mr. LORIMER, but Mr. LORIMER said, "I know Mr. Shephard." Mr. Browne withdrew, and I said, "Mr. LORIMER, I have been asked to vote for you for United States Senator." I said, "I am a rock-ribbed Democrat and always have been, and there is only one thing in this world that could induce me to vote for you for United States Senator, and that would be to prevent the editor in Jerseyville, who has maligned me for 9 or 10 years in his newspaper and who is now a candidate for the post office, to prevent him from obtaining the post office. He is the deputy, now," I told him. "The gentleman's name is Richards who is the postmaster," and I included them both in it. I said, "If you will promise me that neither Mr. Richards nor Mr. Becker shall be made the postmaster, I will vote for you." He said, "I will promise you to do all in my power to prevent them from being appointed." I said, "Will it be up to you in making the appointment?" He said, "I shall certainly have my share of the patronage if I am elected Senator, and there is no doubt but that I can fulfill my promise to you." I said, "I will vote for you, Mr. LORIMER, for Senator." And I took my seat, and when the roll was called I voted for Mr. LORIMER.

Q. You relied on that promise, did you?—A. I did, and I am relying on it yet.

Perhaps I might add, Mr. President, in explanation, for I have sought to abbreviate the amount of testimony I would read, that Jerseyville is located in the district represented by Congressman RAINEY, who is a Democrat. Under such conditions the patronage would be in charge of the United States Senators. I submit the testimony of the witness Shephard covering this element in the case. It is a purely negative promise moving from Senator LORIMER to Shephard, and in no sense, it occurs to me, would come within the provisions of the statute in relation to bribery. Mr. President, I suggest if a like rule were applied, and rigorously invoked, it might be possible in other legislative assemblies the duty of the clerk in calling the roll would not be so burdensome or so onerous as it now is.

The evidence is conflicting as to whether Clark was at St. Louis on June 21, and there is no evidence that he was there except the testimony of White and Beckemeyer; and that he was not present is testified to by himself as well as by Browne. Clark admits he was present in St. Louis on July 15 with Wilson and others. He denies the receipt of money as consideration for his vote or the receipt of money from Browne or Wilson, and denies the statement attributed to him by White in regard to the receipt of any money whatever.

There is no evidence incriminating Luke except his presence at St. Louis with Browne on June 21 and with Wilson on July 15, when it is claimed money was paid to the parties named, except the sole declaration of White, not under oath, and outside of the record, that any money was received by him, and this is an admission, as it is claimed, of one who is dead. The testimony of Mrs. Luke negatives the receipt of any money as far as there is any evidence upon the subject, for the reason the money which she saw was before his trip to St. Louis. As the compensation of Luke as a member of the legislature was something upward of \$2,000, it could hardly be contended the funds seen in his possession by Mrs. Luke at the time named came through any improper channel without any evidence whatever as to the source from which he secured it. That there may be no mistake, let me read the testimony of Mrs. Luke. This question was asked:

Did he—

Meaning her husband—

Mr. BEVERIDGE. On what page is that?

Mr. GAMBLE. I read from page 495 of the record.

Did he return to Nashville, Ill., after the adjournment of the legislature, if you know?

Nashville was the home of Luke at that time.

A. Yes, sir.

Q. The legislature adjourned about the 4th or 5th of June, 1909; can you tell this committee about when he did return; how long after the adjournment of the legislature?—A. Well, I suppose right away.

Q. You believed it was some time in the month of June, 1909?—A. Yes.

Q. Thereafter do you know whether or not he received a telegram from Robert E. Wilson?—A. Yes.

Q. Did you see it?—A. No; he read it to me.

Mr. AUSTRIAN. After the receipt of this telegram, did your husband leave your home in Nashville?—A. Yes, sir.

Q. Do you know where he went?—A. He went to St. Louis.

Q. Upon his return from St. Louis, did he show you anything?—A. No.

Q. Did you see anything he brought with him?—A. No.

Q. Did he have any large amount of money?—A. No.

Q. Did he exhibit to you any amount of money?—A. No.

Q. Did you see \$950 in his possession?—A. I did.

Q. When?—A. Before that time.

Q. Before he went to St. Louis?—A. Yes.

Q. Where had he been immediately before?—A. I don't know.

Q. Had he been away from home?—A. Yes, sir.

Q. Had he been to Chicago?—A. No.

Q. Had he been to St. Louis?—A. No.

Q. Where had he been?—A. I don't know.

Q. Was this \$950 in large bills or small bills?—A. In small bills.

Q. What denomination?—A. Why, \$20, I believe, if I remember right.

Q. Did you and your husband discuss anything with reference to where he had received the \$950?—A. No.

That is the testimony of Mrs. Luke in full in reference to any money having been seen in the possession of her husband.

The testimony of Broderick is contradicted and his vote excluded on the testimony of the witness Holstlaw, who before the subcommittee confessed to his bribery and perjury and to corrupt peculations and unlawful receipt of moneys independent of the subject of the inquiry.

That there may be no mistake, Mr. President, in the quotations I have given from the testimony of Holstlaw, let me read them and place them again in the RECORD. I read from page 197 and page 198 of the record of the witness Holstlaw:

Q. Before voting for WILLIAM LORIMER on the 26th of May, 1909, was there anything said to you by anyone about paying you for voting for Mr. LORIMER?—A. On the night before the 26th, which was the 25th, Mr. Broderick and I were talking, and Mr. Broderick said to me he said, "We are going to elect Mr. LORIMER to-morrow, aren't we?" I told him, "Yes; I thought we were," and that I intended to vote for him.

Q. Proceed.—A. And he said—he says "There is \$2,500 for you."

Senator BURROWS. Said what?

A. Said "There is \$2,500 for you."

Mr. AUSTRIAN. Where was that conversation?—A. It was at the St. Nick Hotel, on the outside of the building.

Q. What night, the night before the vote for LORIMER was taken on the 26th?—A. Yes, sir; on the night before.

Q. What Broderick do you refer to?—A. I refer to Senator Broderick.

I connect some of the interrogatories following, after minor interruptions:

Mr. AUSTRIAN. Pursuant to that talk, or after that talk, did you vote for Senator LORIMER, the next day?

A. Did I vote for him the next day? No, sir; I intended to vote for him anyway. I had made up my mind to vote for him before.

Senator BURROWS. Before this conversation was had at all?

A. Yes.

Q. You had made up your mind?—A. I had made up my mind. I did not know that there was anything in it.

Q. How long before the conversation with Broderick, in which you were promised \$2,500, did you intend to vote for him?—A. I do not remember just how long, but some two or three days before that.

The WITNESS. He did not offer me anything. After I told him I was going to vote for him he just simply said that there was \$2,500 in it for me, and that is all there was about it.

Q. What did you reply to that, when he said that there was \$2,500 in it for you?—A. I didn't say a word; never said a word.

Mr. President, I have already expressed myself as to certain of the witnesses who testified before the subcommittee. There are some upon whom I could not place too severe condemnation. If there be any worthy of comparison as being low, vile, revolting, contemptible, avaricious, and unworthy I would place next to the name of White that of Holstlaw. This man was president of one bank, vice president of another, a large operator and dealer, and a person apparently of affluence. A man of his financial independence should have been more free from temptation than one with meager means. We find, however, he unhesitatingly violates his official oath as a member of the legislature. He accepted a bribe of \$1,500 in connection with his duties as a member of a committee in the purchase of certain furniture for the State.

He admitted before the subcommittee that he had gone before the grand jury of Sangamon County at Springfield and committed perjury, and was indicted therefor. He further testified if he would make the disclosure in connection with the furniture transaction and the matters herein referred to in connection with Broderick, the State's attorney would dismiss the indictment, and this was accordingly done the day following.

Mr. President, this man does not appear to be possessed of sufficient honesty to even write his own name twice alike.

Much was said in the argument presented to the committee of the Holstlaw deposit slip of \$2,500. It was considered a matter of such importance it was lithographed and put in the brief of counsel for the Tribune as an exhibit. It is asserted it is in the handwriting of Holstlaw. But his signature to his confession, where it appears on page 349 of the record, the letters are grotesquely transposed. This in itself casts suspicion on the transaction. It can hardly be conceived a man will commit an error in the spelling of his own name, and especially a person of the intelligence of the witness.

Although Broderick was under indictment at Springfield for the bribery of Holstlaw, upon the facts stated, he denied his guilt. He had not been put upon his trial, and the presumption of innocence, at least in that respect, would be in his favor, while the guilt and ignominy of Holstlaw were confessed.

Criticism has been indulged in against Broderick, that he declined to testify in response to all questions propounded to him before the committee. Under the circumstances, and the fact that he stood under an indictment, it occurs to me he was justified, under the advice of his attorney, to properly protect himself and his defense thereto until that proceeding was disposed of. The law gave him this right and afforded him this protection.

Upon the testimony of Holstlaw, what obligation was there for Broderick to pay him the \$2,500? Holstlaw declared his purpose to vote for LORIMER independent of any consideration, and that intention he had disclosed to others some days before.

If Broderick be the character of man he is pictured by the prosecution, and the \$2,500 had in fact been assigned to him for delivery to Holstlaw, I am inclined to the view he would have appropriated it himself; for, under the testimony of Holstlaw, there was no obligation or promise for its payment.

I recall reading the history of the corruption disclosed in the investigation of the Legislature of Wisconsin of 1857 in connection with a land grant voted to the Milwaukee & La Crosse Railway. Many acts of bribery were brought to light, and that legislature was known as the "Forty thieves." In two instances, through a system of numbering and letters used in the distribution of the funds to the different members, it appeared two parties, as the records disclosed, had been corrupted. Upon further investigation, however, it was found they were wrongly accused. These two members had been honestly in favor of the measure. The funds had been assigned to a particular party to be used to corrupt them. The necessity therefor had been falsely represented by him. The money was not so used, and the agent himself appropriated it.

Browne testified that he did not receive any money or any other consideration for his vote. His evidence is contradicted, and his vote excluded upon the evidence of White, Link, and Beckemeyer, self-confessed perjurers and bribe takers.

Mr. President, it has already been stated, upon the very issue and upon the same facts as between Browne and White, two trials have been had in the courts of Cook County, and Browne was acquitted of the charge of the bribery of White by a jury of his peers. Although this fact may not be controlling here, it at least should have some persuasive force.

The testimony of Wilson is contradicted by the same witnesses. The payment of money by Broderick, Browne, and Wilson was denied by them. The payment of money by Wilson, as testified to by White, Link, and Beckemeyer, had relation entirely to a transaction that had no connection whatever with the election of a United States Senator. There is no evidence,



directly or indirectly, that Shephard or Luke received money from either Browne or Wilson at St. Louis, and such receipt is severally denied by them. There is no evidence, directly or indirectly, that Clark received money from Wilson or Browne, or from any other source, except the unsupported statement of the witness White, and this statement was denied by Clark.

Independent of the testimony of White, as affecting the witness Clark, there is no evidence in the record that either Shephard, Clark, Luke, Wilson, or Browne received money as a consideration for their votes for Senator LORIMER, and such receipt, as before stated, was severally denied by them, with the exception of Luke, who is dead.

The only incriminating evidence as to these parties is the fact of their presence at St. Louis on June 21 and July 15, 1909, taken in connection with the testimony of Link and Beckemeyer, and on the latter date of White, if these witnesses are worthy of belief. As stated by Browne, the object of his visit at St. Louis at the time was to come in touch in a political way with these members from southern Illinois, and his evidence in that regard was corroborated by the other parties.

The object of the visit of Wilson, as testified by him, at St. Louis on the 15th of July was for the purpose of discussing the propriety of a banquet to be given Lee O'Neill Browne, the Democratic minority leader, as this had been done by Tippet, and this evidence was corroborated by other members there present.

It was for the committee, and it is for the Senate, to determine the truthfulness of these statements and reconcile the evidence, if possible; and if it be determined that money was paid, as testified to by White, Link, and Beckemeyer, at St. Louis, without any substantive evidence whatever other than the presence of the parties named, from that fact alone can it be found and determined Shephard, Clark, Luke, and Wilson were there for an unlawful purpose in connection with the election of a United States Senator, and that each of the parties named received money and their votes were corrupted, without any other evidence upon which to base the finding other than their presence at the times named?

Mr. President, it has been my purpose to state the evidence given before the committee fairly as to bribery or corrupt practices as affecting the integrity of the votes cast for United States Senator. I am not here to give countenance to or to approve the proceedings, the record, or the methods pursued in the legislature of the State of Illinois. The evidence is uncontradicted that a system of corruption and malfeasance has been practiced for many years in the legislature of that State. It appears money has been coerced and received by members of the legislature for unlawful and unworthy purposes. Money appears to have been demanded and received for the promotion or defeat of legislation, irrespective of its merits, and the funds so secured have been held and retained and the sum distributed to members of the legislature after adjournment.

No testimony to my mind worthy of belief did disclose that funds raised for this purpose were used or were intended to be used in the matter of the election of a United States Senator. However reprehensible such practices are and were to the committee, it was felt they should not invalidate a lawful election of a Senator otherwise lawfully made without bribery or corrupt practices in connection therewith.

Mr. President, Illinois has a proud and distinguished history among the sisterhood of States. She has unusual, marvelous, and diversified resources. She stands among the first in the energy of her people, the multiplicity of her activities, and in the accumulation of wealth. Her people within her borders have built a city which, in commercial, industrial, and productive energy and volume for its years, is unsurpassed on the face of the globe.

She is possessed of a brave, strong, intelligent, high-minded, Christian manhood and womanhood that struggle for the higher, the purer, and the ideal in civic betterment and for righteousness. Under her social and political environments she gave to the world a Lincoln, a Grant, and a Frances Willard, and their marble figures stand for the glory and honor of the State as well as the Nation in the sacred places of this Capitol.

I regret the humiliation that must come to Illinois and to her people as a result of these disclosures.

Such conduct and such debauchery of the legislature of a sovereign State, however, should be left, it occurs to me, as it must, with the people of that State to deal with through its courts, its legislature, and its duly constituted authorities for such purposes, as well as to the electors in the selection of the membership of its legislative bodies.

In this case investigations have been had by different grand juries, indictments have been found, trials have been had, but no convictions secured. Browne, Broderick, and Wilson sub-

mitted themselves as candidates in their respective constituencies at the primaries in September, were overwhelmingly re-nominated, and each was reelected at the November election by substantial and, I understand, by largely increased majorities.

The vindication of the State of Illinois, it occurs to me, rests largely, if not solely, with its own legislature, with its courts, and with its people. As to this element which appeared in the evidence in the case, the committee as well as the Senate may condemn and censure and place upon it the full measure of its condemnation, but as to the election of a Senator, it should be the object of the committee as well as the Senate to determine alone as to the validity and integrity of the title of the seat of the Senator in question, and as to whether any bribery or corrupt practices were invoked in his election independent of what throughout the evidence was generally termed the jack pot, unless it should be found that this was also employed as a consideration for the votes cast for United States Senator.

Mr. President, every presumption of law is in favor of a high purpose and honorable motive of each member of the legislature, and that each cast his vote honestly in the matter of the election of United States Senator, and no presumption of venality or unworthy purpose may be raised against them in discharging so high and important an obligation. If individual votes are to be impeached and disregarded, it must be by competent and sufficient testimony.

A primary for the nomination of a United States Senator in this case was had, and Albert J. Hopkins was the nominee of the Republican party under such primary. Every honorable obligation, as a result of such primary, rested upon the Republican membership to cast their votes in his behalf, and the same is true as to the Democratic candidate so selected. But if legislators saw fit to disregard and violate this instruction, does it follow from this fact alone, without evidence, they should be subject to suspicion and that their votes were cast for other candidates from mercenary or corrupt motives? Differences appear to have arisen in the Republican party as early as the organization of the legislature, and a combination between an element of the Republican party and the Democratic minority was formed, which resulted in the election of Mr. Shurtleff, a Republican, as Speaker.

The contest in the election of a Senator throughout appears from the evidence to have been very marked and bitter, and it is also disclosed there was practically lack of any confidence in the election of the Democratic nominee. The legislature had been in session from January 6, 1909, until May 26, 1909. Different Democratic members of the legislature testified before the committee they were willing to vote for any good Republican in order to have broken the deadlock, so that the legislature might have concluded its session and permitted them to have gone to their homes.

Although the wisdom and propriety of Democratic members joining with the minority of the Republican membership in the election of a Senator might be questioned, it seems to me, however, it would be the assertion of a most extravagant presumption to insist that the 53 Democratic members who voted in favor of Senator LORIMER did so for mercenary purposes or received a money consideration for their votes. To assume that such a large number of men, having the confidence of their constituencies to be elected to membership in a State legislature, were purchased and bartered for would seem incredible. Even if men were so unworthy, the risks criminally in such an attempt, it occurs to me, never could have been seriously considered. Legislators have been purchased in lesser or greater degree, but not within my knowledge has a such a wholesale attempt ever been made.

I recall in my own State, in the legislative session of 1897, in which the Republican membership was 54 and the Populist 72, Mr. Pickler, who at that time was a Member of Congress, received the Republican nomination for Senator from the joint legislative caucus. As I recall the facts, no senatorial caucus was held by the Populists. Mr. Kyle, a Populist, was then Senator, and was a candidate for reelection. He was strongly opposed by a majority of the Populist members of the legislature and by many of the leading men of his party. The membership who were loyally and earnestly attached to him was somewhat limited. On the first ballot for Senator by the separate houses there was no election, and on January 20 the first joint session of the legislature was held, and Mr. Pickler received the full party vote, consisting of 54 votes, and Mr. Kyle received 32 votes. The balance of the Populist membership was divided among seven other candidates.

The contest in the Populist Party was a very bitter and protracted one, and so continued until the 14th day of February. The Republicans came to the conclusion it was impossible to

elect their candidate. An understanding was arrived at during the preceding day and night, without the knowledge reaching the Populists opposed to Senator Kyle. Mr. Pickler voluntarily retired, and so notified his followers, and on the next morning at the convening of the joint legislative assembly 53 of the 54 Republican members of the legislature cast their votes for Senator Kyle, and with 12 Populists voting for him he secured 65 votes and was elected. There seems to be a remarkable coincidence in these two cases—53 Republicans on the one hand and 53 Democrats on the other.

No charge of bribery or corrupt practices was ever made. It was considered by the Republicans solely as to its political expediency and its effect upon the Populist organization. The election of Senator Kyle under the circumstances was generally approved by the Republican Party in the State.

I cite this instance simply in its relation to the subject matter now under consideration. It occurs to me it is a presumption almost grotesque to assert that in the election of Senator LORIMER 53 members of the Democratic Party who voted for him did so for mercenary gain and that they each must have been corrupted in so doing. The greater the number who thus cast their votes, it seems to me, would lessen the presumption that such votes were cast with unworthy or corrupt motives. As I have heretofore stated, even if men were willing to bribe or to be bribed, the enlargement of the danger and the risks of detection would be so immeasurably increased it would deter the most hardened criminal to assume the risk of such enormous proportions.

Mr. President, it further occurs to me had the Forty-sixth General Assembly of the State of Illinois been free from suspicion as to the matters generally denominated the jack pot, as well as prior legislative assemblies of that State, and had it had the reputation it should possess, the charge made as against the election of Senator LORIMER would not have been so likely to have been made or forced with such assurance or with such tenacity of purpose.

If the argument of the jack pot is to be used with such controlling force, independent of its relation or connection or use in the election of a United States Senator, it could with as much force be urged that an investigation should be had in the election of a United States Senator in the forty-fifth general assembly of the State, that did such high honor to itself, to the State, to the country, and to this body in the election of the senior Senator from that State, against the title to whose seat in this body which he so signally honors no breath of suspicion has been cast.

Mr. President, the impeachment of the title to his seat of a Member of this body is a matter of high importance. It involves not only the integrity and character of the membership of the Senate, but it assails also the character of the membership of the legislature of a sovereign State, and it is a matter in which the people of that State have high concern. It is also a matter of tremendous import to the people of the whole country that no member of this body is here without a lawful and a valid title.

The Senate has imposed upon it in this case a high and solemn duty to itself, to the State of Illinois, and to the country, as well as to Senator LORIMER. If the title to his seat is invalid, and if it were shown he secured it through corrupt or improper means, he should be expelled. We, however, should be as fearless and as resolute upon the other hand if, after a thorough and careful investigation of the facts and of the law, it is found that in no way he was connected, directly or indirectly, with the acts charged, or that a sufficient number of votes were corrupted to invalidate his title to his seat, we should have the courage and the patriotism and the firmness of purpose to say so by our votes.

Senator LORIMER has behind him the certificate of a lawful election. He has been admitted upon it, has taken the oath of office, and is a member of this body. The presumption of law as to his election and its regularity is in his favor, and the burden of proof is upon those who assail it. In a matter of such high concern strict proof should be required. I deprecate the disclosures made in this investigation. They are reprehensible, revolting, and are deserving of the severest condemnation and censure. I feel the State of Illinois owes a duty to itself and its people to relieve itself from the stain cast upon it by the record of certain members in its legislature. It is for that body, for its own courts, and its people to assert themselves in securing a higher order and character of legislative methods and practices.

I feel, however, in this respect, if Senator LORIMER be guiltless as regards these practices and a sufficient number of votes of the membership who voted for him were not tainted or corrupted, then he should not be made to suffer as a result of a

general practice which appears to have been in vogue throughout different legislative sessions as affecting matters of legislation solely, and disassociated from the election of a United States Senator. Did I believe under the evidence as submitted to the Senate by the committee that the seat of Mr. LORIMER was tainted by fraud or corruption by or through himself personally or through others which resulted in his election, I unhesitatingly would vote for his prompt exclusion.

There should be no serious difficulty as to the law applicable to the case in hand. It is practically a question of fact upon the evidence. The legislature was regularly organized and was lawfully in session on the 26th day of May, 1909. The record discloses that Senator LORIMER received a majority of all the votes of the joint assembly, and that a majority of all the members elected to both houses were present and voted. The rule I first stated has been repeatedly laid down by the Senate in numerous cases, but I will burden the Senate by quoting only from the case of Henry B. Payne, Senate Election Cases, page 700, in a report made by a most able committee:

To deprive a sitting Member of the Senate of his seat, the Senate must be satisfied by legal evidence that he was personally guilty of bribery, or that he was personally connected with the bribery, or the corrupt use of money to procure his election, or that he had personal knowledge of such corrupt use of money, or personally sanctioned the use thereof to insure his election.

If the evidence fails to show that the sitting Member was guilty of the bribery of any member of the caucus or the legislature, or had any personal knowledge or agency in the bribery, or the corrupt use of money to secure his election, then the Senate must be satisfied by legal evidence that a sufficient number of the members of the legislature were bribed by the friends of the sitting Member to secure enough votes of the members of the legislature to insure his election, and that without the votes thus corruptly obtained the sitting Member would not be declared elected.

It is, no doubt, supposable that an election may be vitiated by fraud, corruption, or bribery without the Member accused of personal participation in the fraud, corruption, or bribery in the election. If the election is thus vitiated, the Member's seat can not be saved by his personal exculpation and vindication. The integrity of the election and not of the Member is in question under this clause of the Constitution.

But, on the same reason, the investigation, which now deals with the election as vitiated and not the Member as innocent, must reach the proof that the fraud, corruption, or bribery embraces enough in number of the voting electors to have changed by these methods the result of the election. If these corrupted votes gave the innocent Member his seat, the deprivation of those corrupted votes vacates his seat. But if the uncorrupted votes were adequate to his election and he is purged from complicity in the fraud, corruption, or bribery, his seat is not exposed to any question of validity in the election.

I cite to the same effect the following cases: Powell Clayton (Senate Election Cases, 444), Sykes V. Spencer (Senate Election Cases, 611), John J. Ingalls (Senate Election Cases, 692).

#### THE MINORITY REPORT.

Mr. President, in view of the conclusion arrived at in the minority report that there were 10 tainted and corrupted members who voted for Senator LORIMER, I submit even from such a finding the result arrived at is unwarranted and unjustified.

As heretofore stated, the legislature consisted of 204 members. There were present on May 26, 1909, the date of the election of Senator LORIMER, a quorum of both houses, and the total number of votes cast was 202. Of these Senator LORIMER received 108 and the other candidates received 70 and 24 votes, respectively—a total of 94. If each of the votes so cast were legal votes, necessarily Senator LORIMER would have to secure 102, or a majority thereof, to elect him and to authorize the issuance of a certificate of election to him.

Accepting, for the sake of argument, the finding in the minority report in this particular, is the conclusion derived therefrom justified under the facts as found or the law governing the same?

If, as stated by the minority, 10 members of the legislature were bribed and corrupted, and as a result of such bribery or corrupt practices were influenced to cast their votes and did vote for Senator LORIMER, then these 10 votes were each under the law nullities and void and should not be counted in the ascertainment of the result, nor should they be counted for Senator LORIMER. These 10 votes, under such a finding, should be deducted from the total number of votes cast and should leave the number of votes to be computed in the election with the following result:

Total number of votes cast.....	202
Deduct votes above referred to.....	10
Leaving total number of legal votes.....	192
Number of votes received by Senator LORIMER.....	108
Deduct above votes from Senator LORIMER.....	10
Number of votes admittedly legal in minority report for Senator LORIMER.....	98
Number of votes necessary to a choice, being a majority of 192, which would be.....	97
And would leave Senator LORIMER a legal majority of.....	1



Or, in other words, under the finding of the minority, Senator LORIMER received 98 legal votes and the combined votes of his opponents were 94 votes, which gave Senator LORIMER an actual majority over his two opponents of 4 votes.

Mr. CUMMINS. Mr. President—

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Iowa?

Mr. CUMMINS. I do not want to interrupt the Senator from South Dakota, but only ask him if he will be willing, after he has finished the argument he is now making, to submit to a question with respect to the principle of law which he has just announced.

Mr. GAMBLE. Yes, sir; I will be very glad to do so.

If, therefore, the Senate should adopt the finding of the minority as to the number of tainted votes, the conclusion derived therefrom in the minority report does not follow. Under the law no such conclusion is justified as that arrived at in the minority report. A proper computation under the law from the finding itself would give, as above stated, a legal majority of one vote for Senator LORIMER and an actual majority of four votes.

The finding in the minority report as to the facts in connection with bribery or corrupt practices, in my judgment, is as equally untenable as the law followed therein, in regard to the number of members of the legislature corrupted. As to this, however, I will content myself with what I have already said without further review of the evidence.

Mr. President, it would hardly seem necessary to cite authorities to sustain propositions so elementary. A vote secured by bribery is neither a valid nor a legal vote, and for all purposes it is excluded and disregarded.

The effect of a vote illegally cast is that in legal effect no vote has been cast.

In determining what shall constitute a majority of votes at an election, those ballots only that are in legal effect votes are to be considered. (Lane v. Otis, 68 N. J. Law, 64; Hopkins v. City of Duluth, 81 Minn., 189; Paine, The Law of Elections, sec. 513.)

Mr. President, it has been asserted in the discussion of this case that Mr. LORIMER knew what was going on at Springfield, and that for that reason he was not duly elected to the Senate. May I ask, Mr. President, what evidence is there in the report upon which to base such a conclusion? The record fails to disclose even that such a claim was made by counsel in the trial or that any evidence whatever was tendered or submitted to justify such an assertion.

It is further argued that Shurtleff and Browne were the political agents of Senator LORIMER, and that he ratified their acts and accepted the fruits of their corrupt practices. I submit, Mr. President, there is not one scintilla of evidence in the record tending directly or indirectly to impeach the character of Mr. Shurtleff, either in his position as speaker of the house or in what he had to do in promoting the election of Senator LORIMER.

It is inconceivable to me, under any reasoning or under any rule of evidence, from the facts in this case, that votes of members of the legislature can or should be excluded and disregarded in a matter of such high importance without any substantive evidence whatever impeaching the integrity of the act in question.

I assume, Mr. President, in this as in all other matters, the ordinary and accepted rules of evidence should prevail and that the committee was not to return a finding upon mere suspicion or determine what might or could have happened without substantive evidence to sustain the finding in such particular. In my view of the case the evidence fails to show that Senator LORIMER directly or indirectly participated in any act of bribery or corrupt practices, nor had he any knowledge thereof, nor did he sanction or encourage the same; nor were there a sufficient number of votes bribed or corruptly secured in his interest, who voted for him, to change the result of the election. And so believing, in my judgment, the title of Senator LORIMER to his seat in the Senate is good and valid.

Mr. President, in the reorganization of the committees of the Senate in March, 1909, without my knowledge and without solicitation upon my part, I was assigned to membership on the Committee on Privileges and Elections. Upon the passage of the resolution covering this inquiry I was named as one of the members of the subcommittee without my suggestion and against my wish or desire. I appreciated how unpleasant and disagreeable the task would be. I, however, sought to discharge my duty and my obligation as I saw it and make faithful return to the Senate.

No evidence fell from the lips of any witness that I did not hear. We had full opportunity as court and jury alike of seeing every witness and observing his manner and demeanor, in passing judgment as to his character, his candor or his lack

of it, and of his apparent truthfulness or otherwise. In addition to this I have read and reread the testimony.

The finding returned is in consonance with my judgment and my conscience. To have reported otherwise under my view of the evidence and the law would have been repugnant to my sense of right, at variance with the overwhelming weight of the testimony, however nauseating and despicable some of the disclosures were, and in violation of the precedents of the Senate frequently made, and responsive to no known rule of law or established procedure of either the courts or the legislative bodies, State or National, with which the liberties and the rights of the people for more than a century have been preserved and maintained.

Mr. CUMMINS. Mr. President—

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Iowa?

Mr. GAMBLE. Certainly.

Mr. CUMMINS. I do not intend at this time to review the facts in this case; I may at some other time; but there was one proposition of law stated by the Senator from South Dakota near the close of his argument that is as yet new to this case; at least it was not suggested by the Senator from Michigan [Mr. BURROWS], and I want to be sure that I clearly understood the Senator from South Dakota. He asserted that if in a senatorial election there were votes corrupted, those votes must be deducted from the votes of the person in whose behalf they were cast, and also deducted from the total number of votes then cast, and if upon such readjustment of the roll call the person received a majority he would be validly elected.

Mr. GAMBLE. That is the position I take, and which, I believe, Mr. President, is sustained by the authorities.

Mr. CUMMINS. The Senator from South Dakota, I take it, also recognizes—and I believe he stated very clearly—the general rule established by the Senate, that an election which was the result of corruption was not a valid election. I assume we all agree upon that. I want to ask the Senator from South Dakota, in order that the issue may be plainly before us as we proceed with this discussion, this question and put this hypothetical case: Suppose that on the morning of the election of Mr. LORIMER, there being at the time 202 members of the general assembly sitting in the general assembly and ready to vote, some person had arisen in the chamber—and I put this hypothesis simply to clear the case of all dispute with regard to the fact—and said: "Gentlemen, there are 202 members of this body about to vote for Senator. Mr. LORIMER has 101 votes about to be cast. It requires 102 votes to elect Mr. LORIMER. Therefore I will give \$1,000 to any member of the general assembly who is about to vote against Mr. LORIMER if he will change his vote and vote for Mr. LORIMER." Thereupon Mr. A, a member of the general assembly, arises and says: "I am about to vote against Mr. LORIMER, but I accept your proposition. I will take your \$1,000, and in consideration of it I will vote for Mr. LORIMER." Thereupon the roll call proceeds, the result being—the total number of votes cast, 202; votes for Mr. LORIMER, 102. I ask the Senator from South Dakota whether he believes, if the circumstances which I have related had occurred, Mr. LORIMER would have been duly and legally elected to the Senate of the United States.

Mr. GAMBLE. Of course such a transaction would not occur in the manner stated, for the reason it would disclose to the joint assembly the unlawful and corrupt purpose. Theoretically the same purpose might be attained collusively and without publicity. I would say unquestionably under the authorities, if there were 202 supposedly legal votes cast and it was afterwards found one of the votes was a bribed and tainted vote, it would not be considered a vote for any purpose. Under such a state of facts, instead of there being 202 legal votes, there would be 201. Mr. LORIMER, to have a valid certificate under a lawful election, must have secured a majority of all the legal votes cast in such joint assembly.

Mr. CUMMINS. And the 101 votes that were not tainted and corrupted would, under the hypothesis I have made, be a majority of the 201 votes that remained.

Mr. GAMBLE. One hundred and one votes would be a majority of 201.

Mr. CUMMINS. Under the case I have put, without the one bribed vote, the total number of votes to be counted would be 201, and Mr. LORIMER would have had, under the same hypothesis, 101 votes, and 101 votes is a majority of 201 votes, and therefore, under the view of the Senator from South Dakota, his election would have been valid.

Mr. GAMBLE. I will say to the Senator that is my view, and it is the law, if I read it rightly.

Mr. CUMMINS. Now, one more question and I shall have finished. Suppose that at the same time, and under like cir-

cumstances, the man whom I have assumed to have addressed the general assembly had said: "Here are 202 votes about to be cast. Mr. LORIMER has 101. He has not enough, therefore, by one vote. I will give any member of the general assembly here who is against Mr. LORIMER \$1,000 if he will leave the room and not vote at all." Assuming that that offer is accepted and the man leaves the room and does not vote, I ask the Senator from South Dakota whether he believes that then there would have resulted a valid election.

Mr. GAMBLE. Of course such a transaction would not occur in the manner indicated, but assume the fact to exist, I would say in reply if this member of the legislature left the room, abandoning the joint legislative assembly, and went out with a corrupt motive, which of course could not be otherwise, it would have been necessary for Mr. LORIMER to have received a majority of the legal votes there present, always provided that a quorum of both houses is present and voting.

Mr. CUMMINS. One more question, Mr. President.

Mr. BAILEY. Will the Senator allow me?

Mr. CUMMINS. One more question before the Senator from Texas arises. Does it not seem to the Senator—

Mr. GAMBLE. What I intended to say further was that Senator LORIMER in no way had been connected, directly or indirectly, with the matters referred to.

Mr. CUMMINS. I am not bringing that in.

Mr. GAMBLE. Suppose he had been connected, and that this member had retired at his instance, or at his suggestion, or upon his bribe, of course a different rule would apply.

Mr. CUMMINS. The knowledge of Mr. LORIMER, or his participation in the transaction which I have assumed, is not included in my hypothesis at all.

One more question, and then I shall have done. Does not the Senator from South Dakota see that the rule he has announced is, in effect, a declaration that it is innocent to buy a half vote and a crime to buy a full vote?

Mr. GAMBLE. Mr. President, I am free to confess that my perception is not acute enough to discern that. I do not think the position of the Senator is tenable under the law as stated by me, both from the precedents of the Senate and the law governing elections as interpreted by the courts and the legislative assemblies of this country. The rule I have stated, in my judgment, is the correct rule, and I never have heard it questioned.

Mr. BAILEY. If the Senator from Iowa will permit me, I think I can answer the last question of the Senator from Iowa.

Mr. CUMMINS. Let me answer the Senator from South Dakota for just a moment. I do not believe the Senate has ever ruled upon that question at all, and I am somewhat familiar with the cases to which the Senator from South Dakota refers. It is my opinion, and I submit with deference to the Senator from South Dakota that the authorities do not hold the doctrine which he has announced, nor do they tend to hold it, nor could any inference be drawn from any of those opinions that would be in harmony with the rule announced by the Senator from South Dakota.

Mr. GAMBLE. I think the Paine case, from which I quoted, sustains the position I have taken that it contemplates only a majority of the legal votes cast in the election, and necessarily it follows the corrupted and illegal votes would be excluded in determining the result.

Mr. BAILEY. Mr. President, the law is not only plain, but the reason of the law is unassailable. The law is, that if you can identify and separate the dishonest from the honest votes, then the result as ascertained by the honest votes stands unaffected by the misconduct of the dishonest ones; and I say to the Senator from Iowa, without shrinking a moment from the extreme case which he has suggested, that if there was a scoundrel in the legislature who was willing to refrain from voting for a price it was a fortunate circumstance that he did not participate in the result. But the law very wisely says that with the dishonest men eliminated from the whole equation the result reached by the honest men must stand. I should deplore beyond expression the fact that a man who was willing to sell his vote had participated in a senatorial election; and I would not hesitate one instant to let the result ascertained without him stand as the judgment of the legislature, and that is the law of the land.

Mr. CUMMINS. Mr. President, I shall not detain the Senate a moment. I do not intend at this time to discuss at length the principles or the rules of law that are applicable to a case like this, but I only ask the indulgence of the Senate long enough to suggest the consequences of the rule now laid down by the Senator from Texas [Mr. BAILEY].

Given a senatorial candidate with a certain number of honest votes—men who want to vote for him from pure motives—

then the Senator from Texas says that it is perfectly lawful, so far as affecting his title is concerned, for that candidate to buy enough votes to make that honest number a majority of the whole body of legal votes.

I restate the conclusion to which he must come, namely, that, given a number of honest votes for a senatorial candidate less than a majority of the whole, the senatorial candidate can, through his friends—I do not mean now to bring in his personal knowledge—buy enough of the legislature to make that honest following a majority of the whole, without imperiling the validity of his election.

Mr. BAILEY. Mr. President, I repeat that it is not only the law, but it is the very essence of wisdom, to eliminate from every contest the vote of every man who was dishonestly or corruptly influenced, and, with such votes eliminated, let the judgment, as made up and rendered by honest men, stand as the judgment of the body. For my part, I never hope to see the time come when all rascals will be eliminated from our legislative assemblies; nor do I think it any more possible to exclude every dishonest man from the polls; for in view of the revelations which have come to us from a celebrated town in this same State, as well as some other startling revelations which came to us a few days ago from the great State of Ohio, I think that the legislatures have not a monopoly on the infamy of selling votes. It makes no difference, however, where they are sold, if they can be identified they ought to be excluded. That is the law which relates to the election of a sheriff of a county or a constable of a precinct, precisely as it relates to the election of a United States Senator by a legislature. If you can determine the tainted vote, we must exclude it without reference to the effect, and when it is excluded, then the result is determined by the honest votes which are left. That is, I repeat, not only the law of this forum, but it is the law of every enlightened jurisdiction in the world, and that it ought to be the law, I think, passes without any challenge.

Mr. BRISTOW. Mr. President, I do not intend to detain the Senate at any length. I wanted earlier to ask the Senator from South Dakota some questions, but he did not care to be interrogated while speaking, and I deferred.

Mr. GAMBLE. I had thought, Mr. President, my remarks probably had covered the question which the Senator from Kansas [Mr. BRISTOW] had intended to ask me, and especially so since what I have had to say has been so much added to by the illuminating remarks of the Senator from Iowa [Mr. CUMMINS] and the Senator from Texas [Mr. BAILEY]; but I will be very glad to answer any question the Senator may care to propound, if I am able to do so.

Mr. BRISTOW. I understood the Senator from South Dakota to criticize with great severity the corruption which prevails in the legislature of Illinois.

Mr. GAMBLE. I meant to do so, Mr. President, and I meant to give the facts as I understood them as they were presented before the committee. I did not mean to apologize for anything nor to commend what appeared to me to be wrong.

Mr. BRISTOW. The corruption to which the Senator refers doubtless was that relating to the Jack-pot fund?

Mr. GAMBLE. Yes, sir; largely so.

Mr. BRISTOW. I should like to inquire of the Senator what evidence he has as to corruption in regard to the Jack-pot fund other and different from the evidence in regard to corruption surrounding the Lorimer fund.

Mr. GAMBLE. The evidence, it appears to me, was overwhelming from many witnesses upon the stand, both directly and indirectly, that the matter of the Jack pot had been in existence and in operation for some years. It appears to have been reduced in its operation practically to a system. I had never heard or learned of it being inaugurated elsewhere to the extent that funds raised and paid to effect legislation irrespective of its merits were held and pooled, and later distributed after the close of the legislative session.

Mr. BRISTOW. I agree with the Senator that the evidence is very conclusive that there was great corruption there, but I inquire, What evidence is there as to the Jack-pot corruption other than that in favor of corruption as to the Lorimer fund?

Mr. GAMBLE. The direct testimony as to bribery in regard to the "Lorimer money," if that term may be used, was from Holstlaw, was from Beckemeyer, was from Link, and from White. In my judgment, the whole matter related to the Jack pot. As I have stated, I have no confidence in and I would not give the slightest credence to a word of testimony of Charles A. White where it had not been corroborated. I would give little more to that of Holstlaw or Link or Beckemeyer as to the course pursued by them and as to the declarations made in regard to "Lorimer money." I would place little more credence



in their testimony in that regard than on other matters. There was, I have no doubt, money distributed, but the effort has been to apply the evidence in connection with the jack pot and seek to connect it with the matter of the election of a United States Senator, when, in my judgment, it had no relation to the subject matter whatever.

Mr. BRISTOW. Will the Senator—

Mr. GAMBLE. I may add, further, that I might in my remarks have gone into what appeared, in my judgment, to be largely the motives and the character of the prosecution in this case. I do not feel, however, that the subcommittee or the Senate, or even Senator LORIMER, have anything to do here with what might have been the motives or what may have prompted or may have pressed the investigation.

Mr. BRISTOW. I am not inquiring into motives.

Mr. GAMBLE. It is for Senator LORIMER to exculpate himself, and it is for the committee and the Senate to determine the facts independent of motives. I entirely eliminated that element from my discussion.

Mr. BRISTOW. My inquiry is: Upon what evidence does the Senator base the conclusion that there was corruption as to a jack-pot fund other than the evidence which would tend to prove that there was corruption as to the Lorimer fund?

Mr. GAMBLE. Because, as I have said, the existence of a jack-pot fund was testified to by many witnesses, and very early in the hearing its existence was practically admitted, as far as it could be, by the respective counsel upon either side in the case.

Mr. BRISTOW. Will the Senator please name some of them?

Mr. GAMBLE. If the Senator feels disposed to make a speech, I suggest that he do so. If he desires to criticize or cite the evidence in rebuttal to statements made by me in my address, he is permitted to take that course. I am not here to be interrogated, and especially since my address proper was some time since concluded. I sought to give the essential facts in the body of my address as they were detailed to the committee.

Mr. BRISTOW. I thought that in a very courteous and proper manner I was asking the Senator from South Dakota upon what evidence he based his conclusion as to the corruption in the jack-pot fund other than the same evidence in connection with the Lorimer fund.

Mr. GAMBLE. I will say that if the Senator from Kansas desires me to make another speech and rehearse the testimony for his edification, I will cheerfully do so; but I hardly think it necessary.

Mr. BRISTOW. I was simply inquiring as to the evidence and the source of it. I would inquire—

Mr. GAMBLE. I would reply to the Senator the record is full of it. Please look it up for yourself.

Mr. BRISTOW. Will the Senator please cite a single witness?

Mr. GAMBLE. The first witness placed upon the stand was White, and he testified that while he was at Springfield as a lobbyist during the preceding session of the legislature he understood there was a jack pot. This was the reason, he stated, why he asked Browne in the second alleged conversation with him, when it was claimed Browne offered him \$1,000 to vote for LORIMER, "What else there would be in it." This led, as I recall it, to a protracted discussion between counsel as to the relevancy of the jack pot in evidence. This element was, by counsel in the case, conceded. That fact was testified to by the first witness put upon the stand, and repeatedly witnesses testified to the existence of the jack pot, as shown by the record.

Mr. DAVIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Arkansas?

Mr. BRISTOW. I yield to the Senator.

Mr. DAVIS. I should like to ask the Senator from South Dakota what is meant by the term "jack pot?" I do not understand it. [Laughter.]

Mr. BRISTOW. If I understand the Senator from South Dakota properly, he gives Mr. White as one of the witnesses upon whom he relies as to evidence concerning the jack-pot corruption. That is correct, is it?

Mr. GAMBLE. That is correct, as far as it goes.

Mr. BRISTOW. Does the Senator think White's testimony any more reliable in regard to the jack-pot fund than in regard to the Lorimer fund?

Mr. GAMBLE. Not in the slightest.

Mr. BRISTOW. So far as White is concerned, the evidence is the same as to the jack-pot money and the Lorimer money. Now, will the Senator please state some other witness as to the jack-pot fund?

Mr. GAMBLE. Mr. President, I am perfectly willing to be interrogated upon matters of substantial importance, but I do not yield the floor to what occurs to me to be impertinence. With the indulgence and patience of the Senate I have at some length stated the evidence, both as to the fact of bribery and also in connection with the jack pot. I do not care to repeat it.

Mr. BRISTOW. I regret that the Senator should conclude that my inquiries are impertinent. They are certainly not meant to be so. I make the statement now that the Senator from South Dakota can not cite any substantial evidence that tends to prove that there was corruption in regard to the jack-pot fund that does not hold with equal force as to the Lorimer fund.

Mr. BAILEY. Mr. President, will the Senator from Kansas permit me to enlighten him?

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Texas?

Mr. BRISTOW. Certainly, I shall be glad to be enlightened.

Mr. BAILEY. Of course, the Senator from Kansas does not want to misstate the record, and if he will turn to the testimony, he will find that one of those who is described—and I think properly described—as a "self-confessed bribe taker" specifically and distinctly swore that he had never been promised and had never been paid any money or other thing of value for voting for Mr. LORIMER, and yet he testified that he did receive some \$1,900.

If the Senator will turn to the testimony of Link, he will find that, in response to the direct, specific question, he swore that he had never been promised anything for voting for LORIMER before he cast his vote; that he had never been paid any money or other thing of value for having cast that vote, and yet Link was one of the men who testified to being at St. Louis and to having received a distribution from some other fund. I am not sure whether he described it as a jack pot, but he did say that he received the money from different people at St. Louis, and yet that there was not one dollar of it paid to him for voting for Senator LORIMER.

Mr. BRISTOW. I remember Mr. Link's testimony. My inferences and conclusions from reading the testimony and the circumstances surrounding Mr. Link's actions convinced me that his testimony was as conclusive, or even more so, as to the Lorimer fund as it was as to the other. It seems to be a difference of interpretation of evidence.

Mr. BAILEY. But the Senator stated that there was not a word of "testimony." I was not answering the Senator's conclusions from the testimony. I was simply directing his attention to the fact that the testimony was in the record, as I have stated.

Mr. GAMBLE. I might repeat, Mr. President, that it was admitted by counsel there was a jack-pot fund, and when the evidence of White was being given as to the promise, as it was claimed, of a thousand dollars, he then made inquiry of Browne, as he claimed, "What else is there?" He inquired whether or not he would be taken in as to something else.

It was admitted by counsel upon both sides that inquiry had reference to the jack pot, and it was a subject of discussion and debate and argument between counsel at length. As I recall, Beckmeyer made the same statement as to the jack pot that Link did. I do not know that I can recall all the separate witnesses, because there were a number of them; but as to the jack-pot fund and the method and manner of its distribution you will discover by reading even the arguments of counsel that it was admitted that such a fund was in existence.

Mr. BRISTOW. The point that I desired to bring out was that the evidence as to the jack pot is exactly the same, or is the same in substance, as the evidence as to the Lorimer corruption.

Mr. GAMBLE. I do not say, Mr. President, that might not be the conclusion of the Senator from reading the evidence, but there is much independent testimony upon the jack pot; and, as I have said, its existence was admitted by counsel in the very early part of the hearing in connection with the evidence of White.

Mr. BRISTOW. I was interested in knowing why the evidence was so conclusive as to the jack-pot corruption and not at all conclusive as to the corruption in the election of Mr. LORIMER, and that led me to these inquiries. I have read the testimony with some care, and I was surprised that the Senator from South Dakota should have given such weight to the testimony of the same witnesses as to one fund and then denounce them in the most violent terms as to their testimony when given in regard to the Lorimer fund. The evidence of corruption is the same and from the same witnesses as to both funds.

Mr. GAMBLE. I do not think so, because there is other evidence; and, as I have said, independent of the testimony, the admission of counsel upon both sides was that the jack-pot fund was and had been in existence for some years.

Mr. BAILEY. Mr. President, as I have participated in this colloquy, and as there is some suggestion here about attaching weight to the testimony, I simply want to go on record now that I would not believe either White or Link on oath, even if they were not interested.

Mr. BRISTOW. Mr. President, I had a number of other questions in my mind to ask, but I see that they would probably lead to an extended discussion. The Senator from California [Mr. FLINT] has an address, which I am anxious to hear; and so I will defer this inquiry to a later date.

During the delivery of Mr. GAMBLE's speech,

The VICE PRESIDENT. Will the Senator from South Dakota suspend for a moment? The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 6708) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce."

Mr. GALLINGER. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. The Senator from New Hampshire asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none. The Senator from South Dakota will proceed.

After the conclusion of Mr. GAMBLE's speech,

#### RULE REGARDING TARIFF LEGISLATION.

Mr. FLINT. I ask to have laid before the Senate the joint resolution introduced by the Senator from Iowa.

The VICE PRESIDENT. In the absence of objection, the Chair will lay before the Senate a joint resolution, which the Secretary will read by title.

The SECRETARY. A joint resolution (S. J. Res. 127) to limit the right of amendment to bills introduced to amend an act approved August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes."

Mr. FLINT. Mr. President, I am opposed to the joint resolution of the senior Senator from Iowa [Mr. CUMMINS] for the reason that in the event of its adoption no just and uniform tariff law could be framed, whether the policy might be the protective system or the system of tariff for revenue. As a matter of fact, the effect of its adoption would be that the manufacturing States would be enabled to frame a tariff solely in their own interest and against the interests of the agricultural States.

What is now proposed is not a general revision of the tariff, based upon information sufficiently comprehensive to embrace all the industries in all parts of the country, but that there shall be a piecemeal revision, schedule by schedule, based upon information relating only to the particular schedule under consideration at the moment and giving no heed to its relation to other schedules covering other industries. What, then, would follow the adoption of the resolution offered by the Senator from Iowa? If we are to have any tariff legislation at this session, what schedule would be revised?

I have taken the trouble to examine the calendar of the House of Representatives, and I find that under the rules of that body a motion is now pending to discharge the Ways and Means Committee from further consideration of House bill 19784, and place that bill on the calendar for passage. This particular bill seeks to place cattle, swine, and sheep, as well as all meat products, on the free list. This effort marks the commencement of the carrying out of the program of those who were successful at the last election. The purpose to follow up the plan has been shown by the introduction in the House at this session of separate bills to put on the free list asphaltum, salt, fish, seeds, hops, eggs, hay, straw, flax, beans, beets, onions, peas and potatoes, butter, cheese and milk, barley malt, corn meal, macaroni, vermicelli, oatmeal, rolled oats and biscuits, barley, buckwheat, corn or maize, oats, rice, rye and wheat, and lumber, hewn, sided, squared, or sawed. This will probably be followed by the introduction of bills to put on the free list or reduce the duties on oranges, lemons, raisins, prunes, apples, and fruits of various kinds.

The program calls for free raw materials and free food products, with moderate protection on manufactured articles. In the event, therefore, that we should have any tariff legislation following the adoption of the resolution proposed by the Senator from Iowa, we would have the bill placing cattle, swine,

and sheep, as well as all meat products, on the free list sent to us from the House first for action, with no power to change or amend it so as to include any other schedule. And if this bill were then to pass, we would place cattle, swine, sheep, and meat products on the free list—and legislation would stop there pending the sending to us from the House of the bills putting other farm products on the free list in their order of passage by the House.

The Payne bill has been criticized. It has been contended that on many items in that measure the duty is too high. And it is now proposed again to revise the tariff. In connection with this proposed revision there are two propositions that are being urged. The first of these calls for the creation of a permanent tariff board, and the second provides that the tariff shall be revised by schedules.

But the framing of a tariff bill that will give protection to the industries of the entire country is the very essence of the protective system—that is, of a system that will protect the industries of the entire country from the competition of the balance of the world. A real protective system does not seek to give protection to one class of industries in one section and to throw open the industries of another section to the world's competition, enabling the section protected to profit at the expense of the other.

In the framing of tariff bills we are continually being reminded of what they are doing in other countries, the German tariff being called especially to our attention. But in this connection it is well to remember that the framing of a tariff bill in Germany would be no more difficult than if we were to undertake to frame a tariff bill solely for New England and the Eastern States. In Germany they have practically the same conditions that exist in those States—namely, a limited production of raw material and foodstuffs, with a great production of manufactured articles—whereas we, if we are to have a uniform tariff, not only have to meet conditions that exist in a country like Germany, but likewise the conditions that exist in countries like Italy, Spain, Portugal, and all Russia.

If an attempt were to be made to frame a tariff bill that would distribute its benefits over practically the entire territory of Europe, with all Russia, then an idea could be obtained of the difficulty that confronts tariff makers in drafting for this country a measure that will be uniform, that will distribute its benefits equally in all localities and upon all commodities.

There are those now—and the results of the last election would seem to indicate that they are in the majority—who seem to think that our tariff laws should be framed along lines as though a tariff bill for Europe were to be drawn for the benefit of Germany alone; or, say, in the interest of New England and the manufacturing States alone, ignoring the balance of the country altogether. The people of that part of the United States desire free raw material and free foodstuffs, with moderate protection on manufactured products, or a revenue tariff on manufactured products.

In other words, and still carrying the parallel as to Europe, it is the desire that articles produced in Italy, Spain, Portugal, and all Russia shall have no protection, while the manufactures of Germany shall be protected. I take it that this would not be a very satisfactory tariff to the people of Russia, Spain, Portugal, and Italy.

And yet that is just what is being proposed for this country. In other words, it is designed that the farmers shall produce free foodstuffs, and that there shall be free raw materials and a moderate protection on manufactured articles, so that the manufacturers will thereby thrive at the expense of the other industrial workers of the country. They are contending for free wool, free lead, free sugar, free citrus fruits, free lumber, free nuts, free cattle, free meat products, free wheat and barley, free flour, free vegetables, free grapes and prunes, and free olives and olive oil.

It was the fight for this contention that was made in New England and the Eastern States during the last campaign, and this is evidently what the people in those localities favor. And it seems to me that the adoption of this resolution would make it certain that those who have been elected on a platform favorable to the policy of free raw material and free foodstuffs would be able to have those duties removed without being called upon to stand a corresponding reduction in the duties on manufactured articles.

They have won a victory on a platform of purely local protection and have determined that the locality protected shall be the manufacturing districts. They seek to reduce the cost of living to the laborers in the factories in that region by taking off the duty from the food products of the West, thus making it possible for the manufacturers of the East to reduce the wages of the laboring men. They would cheapen the cost of the pro-



duction of their products, so that they might extend their business to the markets of the world by reason of the advantage given them by cheap labor, cheap foodstuffs, and free raw material. This would result in a very satisfactory condition for the manufacturers of New England and the Eastern States.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER (Mr. BRISTOW in the chair). Does the Senator from California yield to the Senator from Iowa?

Mr. FLINT. Yes.

Mr. CUMMINS. I desire to ask whether it will interrupt the Senator if from time to time I ask him a question.

Mr. FLINT. Not at all.

Mr. CUMMINS. Or would the Senator prefer to deliver his address without any interruption?

Mr. FLINT. It would be entirely agreeable to me to be interrupted now.

Mr. CUMMINS. If so, at this point I should like to ask the Senator from California this question: How many Senators are there in this Chamber coming from States in which agriculture is not the dominant industry—that is, the largest interest in the States from which they come?

Mr. FLINT. I have made no calculation as to the number of Senators representing States in which agriculture is not the dominant industry. I am convinced that the changes made in the Senate by the last election, added to those who voted against the schedules in the last tariff bill, have made it certain that there is a majority who would vote for such low duties on agricultural products as to practically place them on the free list.

Mr. CUMMINS. I think if the Senator from California will examine the matter carefully he will find that more than three-fourths of the Senators in this body come from States in which agriculture is the largest, and in many instances the dominant, interest; and I can hardly understand how he assumes that those Senators will be faithless to the agricultural interest and subservient to the manufacturing interest.

Mr. FLINT. There are Senators in this Chamber coming from agricultural States who would vote for such low duties on agricultural products as would practically amount to free trade. In my opinion a duty that is not high enough to protect an item is just as disastrous to the producers as if that item were on the free list.

Mr. CUMMINS. Is it not true that the real complaint which the Senator from California has is directed toward the character of the men who are chosen to represent these States in the Senate and not against the principle or the soundness of the principle itself?

Mr. FLINT. On the contrary, in my opinion, there will be a majority in the Senate made up of those coming from manufacturing States, together with those from agricultural States, who favor a very low tariff. This is the immediate result of the fight that was made in the last election.

As a matter of fact, this proposition of making the protective tariff a local issue seems to have been exceedingly successful during the last campaign. It is this success that has led to the proposition that is now advanced by the senior Senator from Iowa, that the tariff shall be raised by schedules, and the adoption of which resolution will result in the creation of a system of purely local tariffs in place of the broad policy of a general one.

The system of protection in its extension to all localities has moved slowly and naturally. The McKinley bill was the first tariff measure that attempted to distribute the benefits of the protective system generally throughout the country. An improvement, in this particular, was made in the Dingley bill; and, to my mind, the present tariff bill, with the exception perhaps of one or two of its items, is in this respect an improvement on any tariff bill that we have ever passed.

The first manifestation of the purpose of the manufacturing States to carry out a policy of free raw materials, and I direct the attention of the Senator from Iowa to the vote on hides in answer to his very question, was contained in the provision made in the tariff bill for free hides. And nothing illustrates more clearly than the action taken in reference to this item that the tariff has not been the cause of high prices. Nor can anything illustrate more clearly that the placing of foodstuffs and raw material on the free list will not result in benefit to the American people, but to the manufacturers; and that the policy of admitting raw material free will seriously impair the revenues of the Government.

When the tariff bill was under consideration every Senator was in receipt of hundreds of letters from his constituents calling his attention to the claim that the duty on hides was a tax on every man, woman, and child in the country that wore shoes.

I quote from a letter signed by the president of one of the largest shoe manufacturing concerns in the country—a letter similar to many others sent to Senators while the tariff bill was under consideration:

We do not think it advisable to have free shoes, because there are too many well-paid mechanics in the industry, and it is too large an industry to have jeopardized by free trade. Hides, on the other hand, are not an industry and no one will be interfered with but the packers by their admission to the country free, but the people will be benefited in more ways than one.

Through free hides the American shoe manufacturers will be enabled to double and quadruple their exports. If they do, they are going to employ many more mechanics and pay out much more for their labor, and it is reasonable to assume that they could increase their exports if they had free hides; then they could own their leather just as cheaply as European manufacturers own theirs, as no country in the world but this country has any duty on hides of cattle.

The statement made that shoes would be cheapened only 5 cents per pair through the removal of this duty is incorrect. Take a \$1.50 shoe that an ordinary workman uses, and we think it will make a difference of fully 15 cents per pair; and if we figured on the basis of a better shoe for the same money, the life of the shoe, through being enabled to use superior leather, will be prolonged at least 50 per cent; that is to say, if the ordinary \$1.50 man's shoe would wear two months, through free hides the manufacturer would make a better article for the same money by being able to use a better part of the hide, the life of the shoe would be lengthened to three months.

It is certain that the country at large—the people and everyone—would be benefited by free hides. There are over 1,800 shoe manufacturers throughout the United States that are competing against each other for business; the competition between them is very keen, and the reduced cost of shoes would certainly inure to the benefit of the people at large.

Your vote and influence for free hides will be a step in the right direction and will affect only the packers, with whom we know you are not in sympathy.

It was stated in all these letters, without exception, that the duty on hides simply protected the big packers and the big leather concerns, and at the behest of the New England manufacturers of shoes we took off the duty on hides. Upon the claim that shoes would be cheapened to the people, we deprived the Government of a revenue of \$2,000,000 annually. And, in view of that fact, the question, Has the price of shoes been reduced? becomes pertinent.

I have written to a number of interested people, with a view to a truthful answer to this question, and I find that, amid a very general expression of regret that it should be so, instead of shoes being sold at a lower price by reason of the removal of the duty on hides, as a matter of fact the prices of shoes have advanced. Can there be question as to who has been the beneficiary of the two millions of revenue of which the Government has been deprived? The people have had no benefit in the way of cheaper shoes.

There are some people in my State who have been deluded by the idea of a local tariff. They have been told that it was not expected that the duty on citrus fruits, olives and olive oil, walnuts, hops, wool, lumber, lemons, grapes, and a hundred other articles that are produced in the State would be disturbed; but that the robber barons of the tariff are in the manufacturing States, and that it is on the products of the factories of New England and the East that reductions are to be made in the revision proposed. The complaint of excess by the people of my State has been as to the duties on steel products, cotton goods, glassware, and the thousand and one manufactured articles. Their contention is that it is the duties on these things that need reduction.

It never occurred to them that in other parts of the country local protectionists were saying to the people, in Troy, N. Y., for instance, that collars and cuffs and shirts should continue to carry the duty that they now have, but that the duty on oranges should be reduced; that at Trenton, N. J., they were saying that the duties on pottery, linoleum, and iron rope were not to be disturbed, but that the laborers there were going to have a chance to buy their woolen clothing more cheaply; that at Pittsburg the local protectionists were not discussing the duty on plate and other glass, or the metal schedule. These, they proposed, should stand as they are, but the duties on the products of the western farms should be cut down.

The pottery workers at East Liverpool, Ohio, were not informed that the people of the Middle West wanted to buy pottery cheaper and that the duty would consequently be taken off that article, but were told that the revision of the tariff was going to mean cheaper food for themselves. The people of Michigan were not told that we were going to have iron ore on the free list. The statement was made to them that they were going to be enabled to buy lemons cheaper after there should have been a piecemeal revision of the tariff.

I doubt if the workers of the silk manufacturers at Worcester, or the employees of the Compton & Knowles Loom Works, or the workers for the Standard Screw Co., were told that the people of the West striving for local tariff revision wanted to reduce the duties on silks or screws. Neither is it probable that the statement was made at Waltham that the duty on

watches was to be cut down until we could buy them there as cheaply as at any place in the world. Neither is it likely that it was stated at Lowell that the people of the West thought that the duty on carpets was too high and should be cut down. Nor is it at all probable that the hat manufacturers of Connecticut, or the makers of sewing machines, electrical supplies, firearms, clocks, and thread in that State were informed that it was the purpose to have a schedule reduction applied to them, and that it was the food products of the agricultural West that were to be protected.

I take it that those in the State of Montana who favored tariff revision did not contend that wool should be placed on the free list, or lead. And the same was probably true of Idaho local protectionists. They did not ask for free lumber, free wool, free lead, or free sugar in that State, nor did the cry for free wool come from Colorado in a particularly compelling way. Utah was not demanding that sugar should be placed on the free list any more than was Louisiana. The demand for revision from the Dakotas was not for free wheat and barley, free cattle, swine, sheep, and meat products. It is of very great importance now to these States to know whether we are to have a tariff that shall be uniformly protective or a tariff that shall be levied in the interest of the manufacturing States.

All through the East in the last campaign the local protectionists and those favoring a tariff for revenue were saying to the people:

We are going to give you moderate protection on what you produce, but we will have free food products from the West, and free raw material.

Did they tell the people of the eastern manufacturing centers that free food products and free raw material would carry with them cheaper wages for factory operatives and a double measure of protection for the manufacturers? The local protectionists have been discussing this matter in the several sections of the country, one contending for revision in one particular in one place and another for revision in another particular in some other place, each one laboring under the impression that he was fooling the rest of the country and only very certainly fooling himself.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from California yield further to the Senator from Iowa?

Mr. FLINT. I do.

Mr. CUMMINS. It seems to me that the view taken by the Senator from California is the greatest disparagement of the intelligence, as well as the patriotism and honesty, of Republican Senators I have ever heard uttered. He is assuming that, recognizing a certain rule for the application or measurement of import duties, Senators pledged to carry into effect that rule would deliberately, intentionally, consciously abandon the rule under the temptation of selfish interests.

Now, does the Senator from California believe that the Senators in this body, or who shall be in this body in the future and who recognize the rule of protection, will be so faithless to their obligation as members of a party and so indifferent to their obligations as citizens and Senators? I should like an answer to that question.

Mr. FLINT. I will say that, as the Senate is now constituted, a bill for free raw material could not be passed; but I also say that if the platforms upon which many of the new Senators have been chosen are to be taken as a guide, there will be in this Chamber a sufficient majority of those who have been voting for extremely low tariffs to pass a bill for free raw material. And when I say "free raw material" I want to be understood as using that term with the idea that a duty so low that it does not adequately protect an industry is just as bad as though the article treated were made absolutely free.

Mr. CUMMINS. I should like to ask one more question in that regard. The Senator is peculiarly interested and especially informed in regard to lemons. Suppose there were before the Senate a proposition for a change in the duty on lemons. It is now a cent and a half a pound. Suppose, further, that through the work of the tariff commission, which I hope will speedily be created and installed in the performance of its duties, it were clearly to appear that the difference between the cost of producing lemons in this country and in foreign countries was one cent and a half a pound. Does the Senator from California believe that those Senators who acknowledge the doctrine of protection, as thus defined, would refuse to vote for a duty of a cent and a half a pound upon that commodity?

Mr. FLINT. A great many of them did.

Mr. CUMMINS. A great many of them did, because there was very grave doubt with respect to the difference between the cost of producing lemons in this and other countries. But I am assuming now that we have the proof, satisfactory, clear

as proof can be made. Does the Senator think that I, who live in a nonlemon-producing State and am in a State which is a consumer of lemons, would repudiate the doctrine of protection and refuse to vote for that duty simply because my people might be selfishly interested in securing free lemons?

Mr. FLINT. I think the Senator from Iowa and other Senators who have labored so long for this downward revision of the tariff have reached that state of mind where it is practically impossible for them to give weight to the statements of those interested in protection for a given article. They seem to give no weight to the figures given as to the cost of production on articles that require high protection, and they have voted—and the roll calls show it—for reduced duties on all those articles.

According to my idea, if the tariff had been framed according to the votes of the Senator from Iowa in the last Congress, we would have many of the industries of the country to-day either shut down or doing little or no business and foreign importations coming in to supply the lack of articles of native production.

Mr. CUMMINS. But the Senator from California simply imputes to me weakness in my intellectual operations and inability to reach proper conclusions from testimony submitted. However subject I may be to that criticism—and I frankly confess that I do not assume to be one of the strong reasoners of this body—it is not true of other Senators.

Mr. FLINT. Let me state it this way, if the Senator will permit me.

Mr. CUMMINS. The Senator from California knows that after examination of the very subject of the duty on lemons I told him I was willing to vote for a cent and a quarter a pound, but I was not willing to vote for a cent and a half a pound, for I did not think the latter quarter of a cent was necessary to enable California to reach the markets of the country with her products. I voted, as the Senator from California will remember, against free hides, because I did not believe it consonant and in harmony with the doctrine of protection.

Therefore it seems to me the Senator from California is not quite answering my question. Does he believe that the Senators composing this body, who we may assume will be more devoted to the doctrine of protection than I am, will vote to remove the duty on lemons because most of them come from States that do not produce lemons? If that be true, then it seems to me that the principle or policy to which the Senator from California is devoted, and not more devoted than I am, is so unsound that it can not be defended.

Mr. FLINT. It is not, in my opinion, a question of the protection to the lemon industry to which the Senator has referred, but whether all articles produced in the United States should be given adequate protection. If the lemon industry is to be protected then we should give equal protection to articles produced in other States—cotton, linoleum, hats, and all the manufactured articles. It is a question of a general policy to give adequate protection to all articles—not to one article in one State, but to every article that is produced in any State in this country.

That is the doctrine I believe in; that is the doctrine which, in my opinion, the Senator from Iowa does not believe in. He now proposes to have a schedule-by-schedule revision, which simply means the picking out of this or that item in a particular locality. The result, if there were a majority in favor of it, would be the reduction and destruction of that industry, and other industries would not be disturbed. Following out that system, the result will not be what the Senator has contended for, the reduction of the duty on manufactured articles. It will be a great reduction on agricultural products, and if he will permit me to finish my remarks I can show that the articles on which duties will be reduced and those which are going to be placed on the free list are articles the product of the West, and the manufacturing States will still have their protection. While the Senator is honestly in favor of having a revision of the tariff downward on manufactured articles, I believe I can show him that the revision of the tariff will be on the articles produced in the West.

Mr. WARREN. Will the Senator from California allow me a moment?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Wyoming?

Mr. FLINT. Certainly.

Mr. WARREN. I do not want to take unduly the time of the Senator from California with the subject I am going to bring up, but I should like to direct my remarks to the Senator from Iowa and ask him if he has considered, when he wishes by his rule to confine the Senate to the consideration, without the power of amendment, of one schedule at a time, that almost



every article under discussion would reach not only one schedule but a great many schedules. For instance, the Senator from California has alluded to wool and woolens. In the manufacture of woolen cloth the price is made higher or lower, perhaps, by the tariff on chemicals.

We also would have to go to the steel schedule and to a dozen schedules which contain articles that enter into the production of or the machinery for the manufacture of woolens. Now, would the Senator by his rule confine tariff consideration to schedules only one at a time and so closely that we must decide upon the tariff upon one particular item without reference to other items that enter into the manufacture of a given article, and which are treated in another entirely different schedule?

Mr. CUMMINS. Although the subject proposed by the Senator from Wyoming is radically different and very far from the subject that I was just discussing with the Senator from California, I have no objection to answering the question now propounded by the Senator from Wyoming.

Mr. WARREN. With the indulgence of the Senator from California, I will say that I knew it to be a different matter, and I only present it now so that the Senator from Iowa may at some time when I presume he will address the Senate explain what his position is upon this feature of the case.

Mr. CUMMINS. I will, Mr. President, at some future time, but lest it might be assumed that it was unanswerable, I desire to outline the reply now.

If any Member of the House introducing a bill for the modification of any tariff duty was in earnest with respect to the change proposed he would make the bill cover every item that was necessarily connected with the item proposed to be changed, knowing that if he did not his effort to amend the law would be entirely fruitless, for I agree with the Senator that if such a bill were to come here the Senate would not change the duty on one article that was inextricably involved with the duty on some other, unless it had at the same time the opportunity to adjust the two duties. I recognize that quite as fully as the Senator from Wyoming.

Mr. WARREN. Then how would the Senator apply his rule that no amendment could be offered except to the schedule under discussion?

Mr. CUMMINS. The bill introduced in the House under the circumstances suggested by the Senator from Wyoming would embrace duties in more than one schedule.

Mr. WARREN. Is the Senator prepared to guarantee that every bill which comes to this body from elsewhere will have been duly considered?

Mr. CUMMINS. I was quite prepared to guarantee that it will have been considered in that respect or else guarantee that it will meet speedily an untimely end.

Mr. WARREN. Then the Senator would repudiate the whole subject in a proposed bill rather than undertake to amend it? Is that the position of the Senator from Iowa?

Mr. CUMMINS. I beg pardon; I did not hear the Senator.

Mr. WARREN. If a bill came from the House in an imperfect state, and the rule of the Senate would not permit its amendment, the Senator then would vote to defeat the bill, and thus dispose of the whole matter?

Mr. CUMMINS. Certainly; that would be an intelligent act.

Mr. WARREN. I simply wanted to know what the mode of procedure would be.

Mr. CUMMINS. I assume the Senate will not vote either to pass a bill or to defeat a bill unless Senators intelligently understand the consequences of their vote.

Mr. WARREN. It is a somewhat different practice from what we have so far had in the Senate, that we shall not have the right to amend a bill. The Senator will excuse me if I indulged in some imaginative fear that we might find the rule very oppressive.

Mr. CUMMINS. Mr. President, I have no doubt the rule would very greatly change the procedure. If it were not desirable to change the procedure, the rule would not have been proposed. But I will answer the inquiry more fully at another time.

Mr. BAILEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Texas?

Mr. FLINT. Certainly.

Mr. BAILEY. It grieves me so sincerely to observe these differences on the other side that I hardly think it right and proper to interpose, but I can tell the Senator from California, the Senator from Iowa, and the Senator from Wyoming that they will obviate all these difficulties if they will exercise the great power of taxation for the purpose of supporting the Government instead of for the purpose of enriching certain classes.

If they ever get their tariff commission in operation and come to regulate their protection according to the difference in the cost of production, I would like to see its report, because the cost of production not only varies in the different countries from which our imports come, but the cost of production varies in this country with States and even with different parts of the same State.

When you come to determine what is the cost of producing wheat, what is your basis, the land worth \$10 an acre in some of the States or the land worth \$200 an acre in other States? When you come to fix a tariff on lemons, what shall be your basis, the cost of growing them in the artificial climate of California or in the natural climate of southern Texas? So it is all over the Union. Almost every article produced in this country in more than one State will vary in the cost of its production. I should like to see the almost supernatural wisdom of a tariff commission that could lay us down a rule by which we could ascertain the cost of producing all articles. Now, let us escape that by going back to the good old-fashioned rule of laying taxes to raise money to support the Government, and school children can tell you how much to levy them.

Mr. BACON. Will the Senator from California permit me to supplement what my friend from Texas has said by just one other illustration?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Georgia?

Mr. FLINT. Certainly.

Mr. BACON. I presume all Senators will remember the fact that a Representative from Massachusetts several Congresses past, in fact in more than one Congress, introduced a resolution in the House to amend the Constitution of the United States in such a way that the hours of labor should be so controlled that the cost of manufacturing cotton goods in the North should not be more than the cost of manufacturing cotton goods in the South.

Mr. FLINT. Mr. President, I want to say to my distinguished friend, the Senator from Texas, that even in Texas, where they are planting out a great many acres to citrus fruit, they will not be able to produce oranges and lemons in competition with the Mediterranean product on a revenue-tariff basis. As a matter of fact, if the present duty is not maintained on lemons and oranges the trees that are now being planted in Texas will be taken up and made into firewood.

Mr. BAILEY. And the land used for growing cotton or something else that can be grown at a profit.

Mr. FLINT. But they will not have orange groves.

Going back to the remarks of the Senator from Iowa as to the duty on lemons, I want to call his attention to a vote that he cast on a particular schedule that, to my mind, illustrates the necessity for having a uniform tariff and not a schedule revision. An amendment was offered to the tariff bill providing for a duty on pineapples. It was argued by some of the Senators that this was a revenue duty, although, as a matter of fact, it was a duty needed for the protection of the industry of producing pineapples in the State of Florida. Yet there were those here who were not willing to vote to give Florida adequate protection for that industry. I contend that you can take the tariff bill, item by item, place it before the Senate and each Senator vote for the interest of his own State, selfishly protecting its industries on particular items and giving no protection to the industries of other States, and you will have as a result a tariff so low that not an industry in the country will survive; nor will you have revenue enough to operate the Government.

Mr. TALIAFERRO. Mr. President, I should like to say, in connection with what the Senator from California has just said, that while the duty the Senator from Iowa said he would vote to put on lemons was 1½ cents a pound, the duty he refused to vote for on pineapples was less than half a cent a pound.

Mr. FLINT. It may be that, temporarily, the manufacturing interests will be able to avail themselves of the fruits of the victory they seem to have won and will be able to place on the free list products of the labor of the farmer of the West, but the inevitable result of the adoption of this policy will be that the farmer, his income cut down, will seek to buy the manufactures that he uses in the cheapest market in the world. And while the fact will remain that the cheap laborers from Asia will be excluded from this country as a result of a tariff policy of free raw material and free food products, with a moderate protection for manufactured articles, it will follow that the agriculturists will demand that the products of cheap labor in the form of manufactured goods shall be brought in free of duty.

Already they have awakened in the West, or at least they are beginning to awaken, to the fact that they are outnumbered in the East, and that their theory of local protection is not

the one that is to be adopted by the schedule revisionists who follow the idea that the tariff should be revised after the program to be laid down by a tariff board. It is the local protection idea of New England and the Eastern States that is to be adopted.

What will be done in the way of revision under the terms of this resolution, as the Senator from Iowa has proposed it, in view of the victory won in the last campaign by the local protectionists and tariff for revenue advocates favorable to free foodstuffs, free raw material, and moderate protection for manufactures in New England and the Eastern States? It has been stated by Senators a number of times in discussing the question of the creation of a tariff board that the Tariff Board should report from time to time, and that we should act upon the schedules as they should be presented. What would be the result of the working of this system so far as the West is concerned? What is the Tariff Board going to report upon?

I have read with a great deal of interest the very able speech delivered by Mr. Henry C. Emery, chairman of the Tariff Board, before the Association of Commerce of Chicago on December 3, 1910. In that speech Mr. Emery outlines—I should like to call the attention of the Senator from Texas to just what the Tariff Board proposes to do—Mr. Emery outlines what work has so far been done by the board and what it intends to do. He states, among other things:

Whether wisely or unwisely, we decided to concentrate, for the moment, on Schedule M (pulp and paper), Schedule K (wool and woolsens), and Schedule G (farm products).

That is what the Tariff Board are devoting their time to, not to cotton, not to the iron schedule, not to crockery. I think that we may safely assume that the three schedules that will be first presented to the Congress by the Tariff Board are: Schedule M, pulp and paper; Schedule K, wool and woolsens; and Schedule G, farm products. Without wishing unduly to criticize the Tariff Board, I think that it has acted unwisely in this selection. And why the work of the board should have been taken up in the order named in Mr. Emery's speech is not explained by that gentleman.

It would appear to me, in all fairness, the schedules would better have been taken up in the order in which they are placed in the tariff act. No one could have complained of that order of consideration. It would have been the natural way to dispose of the matter. And the schedules in their proper order of consideration would then have been—

- Schedule A. Chemicals, oils, and paint.
- Schedule B. Earthenware, earthenware, and glassware.
- Schedule C. Metals, and manufactures of.
- Schedule D. Wood, and manufactures of.
- Schedule E. Sugar, molasses, and manufactures of.
- Schedule F. Tobacco, and manufactures of.
- Schedule G. Agricultural products and provisions.
- Schedule H. Spirits, wines, and other beverages.
- Schedule I. Cotton manufactures.
- Schedule J. Flax, hemp, and jute, and manufactures of.
- Schedule K. Wool, and manufactures of.
- Schedule L. Silk and silk goods.
- Schedule M. Pulp, paper, and books.
- Schedule N. Sundries.
- And the free list.

But if we are to revise the tariff in accordance with the order of precedence outlined in the speech of the chairman of the Tariff Board, we will be confronted with the proposition of considering first the tariff on pulp and paper. If the findings of the Tariff Board shall be satisfactory to those who demand a reduction in the duty on those articles it will at once, upon the submission of that report, become a very popular board. That is the particular schedule in which a very special interest is felt by the newspapers of the country; but if, on the other hand, the findings of the board as to this are to the effect that the facts justify the present rates on pulp and paper, the Tariff Board will find itself become a very unpopular body.

After passing on this matter we will then, under the Tariff Board's order of consideration, find ourselves confronted in order with the woolen schedule and the farm-products schedule. And if the result of the last election is to be read along the lines of a majority favorable to free food products and free raw material—and I do not see how any other reading is possible—then we will find that all our western products will have been placed on the free list, and we will not have reached the point of considering the items in the tariff bill that the Senator from Iowa complains of, namely, the cotton schedule, the metals schedule, and the glassware schedule.

In other words, we will pass into the hands of the Tariff Board, according to the program that has been laid out, the whole question of determining what schedules are to be re-

vised—for until we shall have received its reports we will not be able to act. This board might determine that the steel schedule, the cotton schedule, and the crockery and glassware schedule should be the last that would be considered, and having in the meantime reduced the duties on agricultural products it would become necessary to maintain the duties on manufactured articles in order to produce sufficient revenue.

It seems very apparent to me that the Tariff Board has fallen into the New England view of free raw material and free food products, with moderate protection for manufacturers; not with deliberate intention, possibly, although the result is the same. The unfairness of this is manifest, and, so far as I am concerned, I shall do all in my power to defeat any proposition that looks to a revision of the tariff until a full report shall have been made by the board on all the schedules. Until such a report is received from the board on all the schedules it will be impossible, in justice to every locality in this country and its industries, to revise the tariff either under a general protective system or under a system that would distribute the duties levied for revenue purposes equally throughout the country. We must know the facts with regard to every schedule in the bill; otherwise the tariff would be a purely local matter, conceived in the interest of one locality and against another.

It may be that some of the duties provided for in the new tariff law are too high. It may be that the committees did not, in framing it, have in their possession sufficient information in regard to some of its schedules, and that this condition would be remedied by having a permanent tariff board which would not be limited as to time in the matter of procuring data.

It is true that the personnel of the committees of Congress that have to do with the framing of tariff bills—the Ways and Means Committee of the House and the Finance Committee of the Senate—is continually changing. In all probability, in the event of a revision of the tariff at the next session of Congress, there will not be in either committee one-half of the members who were on those committees at the time of the last revision. So that the new committees would have to study the whole question over from the beginning, familiarizing themselves with the subject as altogether new matter. And to committees so constituted, the work of a Tariff Board, in constant touch with its subject and having a late and accurate knowledge upon the several schedules, would be of great value.

I will favor a permanent Tariff Board, but it must be with the understanding that the work of such board will be taken up in the order in which the schedules are set forth in the tariff act and that no report is to be made until the work of the board shall have been completed on all the schedules.

I will oppose permitting the board to take up and, without direction from the Congress, report upon the particular schedule that it may decide shall be immediately considered. More than that, the board should have the right to call for the books and papers of any individual or corporation that produces any article on which a duty is levied. This is essential, if we are to act upon the schedules intelligently. Yet Mr. Emery, in his speech, seems to doubt the necessity for giving the board power to call for the books of business concerns, or to summon witnesses and examine them under oath. To fail to give the board this power, to my mind, would be entirely in the interest of the manufacturers.

The tariff commission bill that has been introduced by the Senator from Massachusetts [Mr. LODGE] has been carefully drawn so as to provide that the Tariff Board shall not be given the power to compel the production of books and papers. Under a law so drawn that the books and papers of manufacturers were not open to us, what would happen if it were proposed to revise, say, Schedule K of the tariff act?

The Tariff Board would make a report from the information that it could gather as to the facts in regard to the production of wool. That is information easily obtained, comparatively speaking, and according to the idea of the manufacturers it would not be necessary to find any facts in reference to this item, as their plan is to place wool on the free list. We would then address ourselves to the determination of the duties to be levied on articles manufactured from wool. The New England idea of moderate protection on manufactured articles would be presented to the Tariff Board; and after they had made their findings of fact, which would be disputed by the manufacturers, we would be in possession of a maze of contradictory evidence determining nothing.

The only way that the cost of manufactured articles could be ascertained would be to have the board examine every book and paper, so that there could be no possible ground for controversy. I do not object to the doctrine laid down by the board that the burden of proof should be on those seeking to have a certain duty levied on a given article. But it should not be



permitted to rest at that point. When a person desires that a duty shall be placed on any article, he should be required to produce every book and paper that the board might consider necessary to the ascertainment of the facts.

I take it that before we hastily enter upon a program for the revision of the tariff by schedules we should consider very carefully the fact that a schedule-by-schedule revision means making the tariff law an enactment purely local in its benefits rather than a beneficent measure designed to afford protection to all industries in all parts of the country. And such a revision under the program as it is now proposed would result in the enactment of a law entirely in the interest of New England and the manufacturing States and against the interests of the agricultural West.

Mr. CLAPP. I ask the Senate to proceed to the consideration of House bill 28406, being the Indian appropriation bill.

Mr. CUMMINS. Will the Senator from Minnesota permit me to ask a question of the Senator from Utah?

Mr. CLAPP. Certainly.

Mr. CUMMINS. I know the Senator from Utah intends to submit some remarks upon this joint resolution, and if he could advise the Senate at what time he expects to do so it would enable me to arrange for whatever reply I might desire to make.

Mr. SMOOT. I understood the Senator from Iowa gave notice that he would bring up the joint resolution for consideration to-morrow and submit some remarks on it. I will say to the Senator that whenever he is ready to submit those remarks I will precede him, because I can speak immediately before he speaks, or I could speak now, if it were not for the Indian appropriation bill. I am ready at any time.

Mr. CUMMINS. Very well.

Mr. HEYBURN. Mr. President, I would not like to have any time fixed for closing the consideration of this question. I have unfortunately an engagement to be away from the Senate on Wednesday afternoon, and I would not want in my absence that anything should be done that would close it in the way of referring it. I desire to present my views in an orderly way upon this question before it goes to the committee, for reasons I have heretofore stated. I am ready to do it at any time, at a minute's notice, but I do not want to find that the joint resolution was referred during my absence.

Mr. CUMMINS. I will assure the Senator from Idaho that I will not ask for its reference in his absence.

#### OCEAN MAIL SERVICE AND PROMOTION OF COMMERCE.

Mr. GALLINGER. I ask that the unfinished business be laid before the Senate for a moment.

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 6708) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce."

Mr. GALLINGER. I desire to modify the substitute for that bill which I offered some days ago, and will send the modification to the desk, and ask that the substitute be reprinted as modified.

The VICE PRESIDENT. Is there objection to the request of the Senator from New Hampshire? The Chair hears none. Without objection, the unfinished business is again temporarily laid aside.

#### INDIAN APPROPRIATION BILL.

Mr. CLAPP. I ask the Senate to proceed to the consideration of House bill 28406.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 28406) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1912, which had been reported from the Committee on Indian Affairs with amendments.

Mr. CLAPP. I ask unanimous consent to dispense with the formal reading of the bill, that it be read for amendment, and that the amendments of the committee shall be first considered.

The VICE PRESIDENT. Is there objection to an understanding that the committee amendments shall be first considered? The Chair hears none. The Secretary will proceed to read the bill.

The Secretary proceeded to read the bill. The first amendment of the Committee on Indian Affairs was, on page 2, line 21, before the word "lands," to insert "ditches;" and on page 3, line 1, before the word "dollars," to strike out "two hundred and eighty-nine thousand three hundred" and insert "three hundred and thirty-nine thousand three hundred," so as to read:

For the construction, repair, and maintenance of ditches, reservoirs, and dams, purchase and use of irrigation tools and appliances, water

rights, ditches, lands necessary for canals, pipe lines and reservoirs for Indian reservations and allotments, and for drainage and protection of irrigable lands from damage by floods, \$339,300, to remain available until expended.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the construction, repair, and maintenance of ditches, reservoirs, and dams, etc., on page 3, line 10, after the word "projects," to insert "for investigations and surveys for power and reservoir sites on Indian reservations in accordance with the provisions of section 13 of the act of June 25, 1910;" and on page 4, line 4, before the word "thousand," to insert "and fifty," so as to make the proviso read:

Provided further, That nothing herein contained shall be construed to prohibit reasonable expenditures from this appropriation for preliminary surveys and investigations to determine the feasibility and estimated cost of new projects, for investigations and surveys for power and reservoir sites on Indian reservations in accordance with the provisions of section 13 of the act of June 25, 1910, or to prevent the Bureau of Indian Affairs from having the benefit of consultation with engineers in other branches of the public service or carrying out existing agreements with the Reclamation Service; for pay of one chief inspector of irrigation, who shall be a skilled irrigation engineer, \$4,000; one assistant inspector of irrigation, who shall be a skilled irrigation engineer, \$2,500; for traveling expenses of two inspectors of irrigation, at \$3 per diem when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses authorized by law, and for incidental expenses of negotiation, inspection, and investigation, including telegraphing and expense of going to and from the seat of government and while remaining there under orders, \$4,200; in all, \$350,000.

Mr. LODGE. I should like to ask the Senator from Minnesota what is the purpose of the amendment.

Mr. CLAPP. The purpose is to give the Indian Office larger powers with reference to investigating the full scope of all the plans, so that the work which they initiate may be with reference to a final system.

Mr. LODGE. What is the section 13 referred to?

Mr. CLAPP. That is the law which was passed to establish a function in the Indian Department for all irrigation projects.

Mr. LODGE. It seemed to me that the bill as it stood covered all new projects, and that is why I asked the question. This specifically applies to power and reservoir sites on Indian reservations.

Mr. SMOOT. The act was for all new projects, but this is for a further investigation of power and reservoir sites; in other words, on the Indian reservation they want to investigate further as to the sites.

Mr. LODGE. It is simply for an investigation?

Mr. CLAPP. That is all. The department has asked for it. The amendment was agreed to.

The next amendment was, on page 4, line 8, before the word "thousand," to strike out "seventy" and insert "eighty," so as to make the clause read:

For the suppression of the traffic in intoxicating liquors among Indians, \$80,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 17, to strike out:

For construction, lease, purchase, and repair of school buildings, and for sewerage, water supply, lighting plants, and purchase of school sites and improvements of buildings and grounds, \$350,000.

And in lieu thereof to insert:

For construction, lease, purchase, repairs, and improvements of school and agency buildings, and for sewerage, water supply, and lighting plants, and for purchase of school sites, \$425,000.

The amendment was agreed to.

The next amendment was, on page 5, line 6, before the word "thousand," to strike out "eighty-two" and insert "seventy-two," so as to read:

For collection and transportation of pupils to and from Indian schools, and for the transportation of Indian pupils from any and all Indian schools and placing them, with the consent of their parents, under the care and control of white families qualified to give such pupils moral, industrial, and educational training, \$72,000.

The amendment was agreed to.

The next amendment was, on page 5, after line 12, to insert:

All moneys appropriated herein for school purposes among the Indians shall be expended, without restriction as to per capita expenditure, for the annual support and education of any one pupil in any school.

The amendment was agreed to.

The next amendment was, on page 7, line 2, before the word "dollars," to strike out "two hundred and eighty-five thousand" and insert "three hundred thousand," so as to make the clause read:

For the purchase of goods and supplies for the Indian service, including inspection, pay of necessary employees, and all other expenses connected therewith, including advertising, telegraphing, telephoning, storage, and transportation of Indian goods and supplies, \$300,000.

The amendment was agreed to.

Mr. WARREN. Mr. President, I desire to ask the Senator from Minnesota [Mr. CLAPP], in charge of the bill, a question. I notice that there are quite liberal additions to a great many of the appropriations contained in the bill; that there are also some new appropriations, and a few decreases. I want to ask if the increases are within the estimates, or whether the estimates have been considered too low.

Mr. CLAPP. I will say to the Senator that in some cases the estimates were regarded as too low. In other cases it appeared very evident from information received from the Indian Office that, while they did not perhaps appear warranted in especially asking for some of these appropriations, the better conduct and administration of the affairs involved really required the increases.

Mr. WARREN. But are the larger percentage of these amendments increases beyond the estimates?

Mr. CLAPP. I will say, in reply to the Senator, that I think perhaps the larger percentage of these additions are increases.

Mr. WARREN. I ask these questions, Mr. President, because, in reference to these various appropriations, it is understood through the public press that the estimates which first went out from the department were later quite largely decreased, and I want to get the judgment of Senators in charge of the different appropriation bills as to whether they considered that the final estimates generally this year were sufficient.

Mr. CLAPP. Personally I doubt very much if they are. I think we may as well understand that the estimates were made with some desire to make them as low as possible.

I want to say in regard to Indian matters that after we segregate the Indians, dissolve their tribal relations, and establish a larger and more perfect personal equation, at some time it is going to require more funds than have been required while we have been dealing with them collectively.

Mr. WARREN. Will the Senator permit me to make a further inquiry?

Mr. CLAPP. Certainly.

Mr. WARREN. As to some of these matters, like the loyal Creek award, are those entirely new, or are they estimated for?

Mr. CLAPP. The loyal Creek matter is one which has been here so many times that it does seem to me—

Mr. WARREN. Does it come up with the estimates?

Mr. CLAPP. Oh, no.

Mr. WARREN. It is not recommended in the estimates?

Mr. CLAPP. Oh, no.

Mr. WARREN. I observe that the Senate committee increased the House bill \$1,343,420.

Mr. CLAPP. Six hundred thousand dollars of that are on account of the loyal Creek award.

Mr. WARREN. And I observe that the decrease is \$99,425. Observing that large amount, I notice that some of it is reimbursable; that is, that it is expected to be returned to the Treasury.

Mr. CLAPP. A large proportion of these appropriations is reimbursable.

Mr. WARREN. They are so marked?

Mr. CLAPP. Yes.

Mr. WARREN. Then, they are expected to be returned in full?

Mr. CLAPP. Certainly.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 7, after line 2, to strike out:

For buildings and repairs of buildings at agencies and for rent of buildings for agency purposes and for water supply at agencies, \$75,000.

The amendment was agreed to.

The next amendment was, on page 8, after line 11, to insert:

For the classification, indexing, and further collection of all records and data pertaining to the American Indian which are necessary to complete the files of the Indian Office, and preparing historical data from all of said records therein; and the sum of \$10,000 is hereby appropriated for the purpose of carrying out the above amendment, including the pay of all employees.

The amendment was agreed to.

The next amendment was, on page 8, after line 18, to insert:

There is hereby appropriated the sum of \$30,000, or so much thereof as may be necessary, to be immediately available, for the purpose of encouraging industry among Indians, and to aid them to engage in the culture of fruits, grains, and other crops. The said sum may be used for the purchase of animals, machinery, tools, implements, and other agricultural equipment: *Provided*, That the sum hereby appropriated shall be expended subject to the conditions to be prescribed by the Secretary of the Interior for its repayment to the United States, and all repayments to this fund as herein provided are hereby appropriated for the same purpose as the original fund, and the entire fund, including repayments, shall remain available until June 30, 1917: *Provided further*, That the Secretary of the Interior shall submit to Congress

annually on the first Monday in December a detailed report of the use of this fund.

The amendment was agreed to.

The next amendment was, in section 2, under the head of "Arizona and New Mexico," on page 10, after line 12, to insert:

For constructing two bridges across the Rio Grande River, one at or near the Isleta Indian pueblo, N. Mex., and the other at or near San Felipe, N. Mex., \$55,000: *Provided*, That Indian labor shall be employed as far as practicable in the building of said bridges.

The amendment was agreed to.

The next amendment was, in section 3, under the head of "California," at the top of page 11, to insert:

There is hereby appropriated \$20,000 for buildings and equipment in connection with the proposed plant of the Northern California Indian Association, to be expended by the said association under such terms and conditions as the Secretary of the Interior may impose, on condition, however, that the Northern California Indian Association shall have raised not less than \$100,000 for the erection and support of said institution.

The amendment was agreed to.

The next amendment was, under the head of "Minnesota," on page 13, after line 16, to strike out:

Sec. 8. For care of buildings, including pay of employees, at the Indian school, Pipestone, Minn., \$2,000.

And insert:

Sec. 8. For support and education of 225 Indian pupils at the Indian school, Pipestone, Minn., and for pay of superintendent, \$39,175; for general repairs and improvements, \$2,500; in all, \$41,675.

The amendment was agreed to.

The next amendment was, on page 14, after line 18, to insert:

The Secretary of the Interior is hereby authorized to advance to the executive committee of the White Earth band of Chippewa Indians in Minnesota the sum of \$1,000, or so much thereof as may be necessary, to be expended in the annual celebration of said band to be held June 14, 1910, out of the funds belonging to said band.

Mr. CLAPP. A correction should be made in that amendment. In line 24, on page 14, where it reads "1910," it should be changed to read "1911."

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 14, line 24, it is proposed to amend the amendment of the committee by changing the date "1910" to "1911."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, in section 9, under the head of "Montana," on page 15, line 17, before the word "hundred," to strike out "three" and insert "four," so as to make the clause read:

For the construction of irrigation systems to irrigate the allotted lands of the Indians of the Flathead Reservation, in Montana, and the unallotted irrigable lands to be disposed of under authority of law, including the necessary surveys, plans, and estimates, \$400,000.

The amendment was agreed to.

The next amendment was, in section 10, under the head of "Nebraska," on page 16, line 23, after the word "dollars," to insert "for repairs to present heating plant, \$5,000, to be immediately available; for superintendent's cottage, \$5,000;" and on page 17, line 3, before the word "dollars," to strike out "ninety thousand one hundred" and insert "one hundred thousand six hundred," so as to make the section read:

Sec. 10. For support and education of 300 Indian pupils at the Indian school at Genoa, Nebr., and for pay of superintendent, \$52,100; for repairs to present heating plant, \$5,000, to be immediately available; for superintendent's cottage, \$5,500; for two new dormitories, \$35,000; for general repairs and improvements, \$3,000; in all, \$100,600.

The amendment was agreed to.

The next amendment was, in section 13, under the head of "New York," on page 18, line 19, before the word "thousand," to strike out "three" and insert "four," so as to make the clause read:

For fulfilling treaties with Six Nations of New York: For permanent annuity, in clothing and other useful articles (art. 6, treaty of Nov. 11, 1794), \$4,500.

The amendment was agreed to.

The next amendment was, in section 15, under the head of "North Dakota," on page 19, line 6, before the word "dollars," to strike out "five thousand" and insert "seven thousand five hundred," so as to make the clause read:

For support and civilization of the Sioux of Devils Lake, N. Dak., \$7,500.

The amendment was agreed to.

The next amendment was, on page 19, after line 11, to strike out:

For support and education of 325 Indian pupils at the Indian school, Fort Totten, N. Dak., and for pay of superintendent, \$55,975; for new hospital, \$5,000; for new dairy barn, silo, and equipment, \$3,500; for general repairs and improvements, \$5,000; in all, \$69,475.



And insert:

PORT TOTTEN INDIAN SCHOOL.

For support and education of 400 Indian pupils at Fort Totten Indian School, Fort Totten, N. Dak., and for pay of superintendent, \$68,500; for gymnasium and assembly hall, \$8,000; for hospital, \$5,000; for residence of superintendent, \$4,000; for dairy barn, silo, and equipment, \$2,500; for ventilating system, \$2,500; for general repairs and improvements, \$5,000; in all, \$96,500.

The amendment was agreed to.

The next amendment was, on page 20, after line 11, to strike out:

For support and education of 100 Indian pupils at the Indian school, Wahpeton, N. Dak., and for pay of superintendent, \$18,200; for general repairs and improvements, \$2,000; in all, \$20,200.

And insert:

For support and education of 100 Indian pupils at the Indian school, Wahpeton, S. Dak., and pay of superintendent, \$18,200; for general repairs and improvements, \$2,000; for electric current for lights, power, etc., telephone, and general incidental expenses, \$1,000; for ornamental fencing of school grounds and shade trees, \$5,000; addition to girls' dormitory, \$15,000; addition to boys' dormitory, \$15,000; addition to schoolhouse, \$10,000; in all, \$66,200.

The amendment was agreed to.

The next amendment was, on page 21, after line 7, to insert:

Any licensed trader in the Standing Rock Indian Agency of North and South Dakota, who has any claim against any Indian of said agency for goods sold to such Indian may file an itemized statement of said claim with the Indian superintendent. Said superintendent shall forthwith notify said Indian in writing of the filing of said claim and request him to appear within a reasonable time thereafter, to be fixed in said notice, and present any objections he may have to the payment thereof, or any offset or any counterclaim thereto.

If said Indian appears and contests said claim, or any item therein, the said superintendent shall notify the said trader and fix a time for the settlement of the account between the parties thereto, and shall on a hearing thereof use his efforts to secure an agreement as to the amount due between the said parties. If the said Indian shall not appear within the time specified in the notice, the superintendent shall call in the said trader and carefully investigate every item of said account and determine the amount due thereon. Any account so settled by the superintendent or any such account admitted by the Indian shall be and remain an account stated between the parties thereto.

That out of any moneys that shall thereafter become due to said Indian, by reason of any annuity or other indebtedness, from the Government of the United States, or for property sold by or on account of such Indian, there shall be paid by the superintendent to such trader at least 25 per cent of the money which would be due such Indian and 25 per cent of any money that may thereafter become due to such Indian until the account stated shall have been paid. And where the amount due said Indian shall be sufficient, in the judgment of said superintendent, to pay a greater amount of said indebtedness, still leaving said Indian sufficient for his ordinary needs, such superintendent shall use his influence to secure the payment of the whole or a greater proportion of said account: *Provided*, That such Indian may at any time appear and contest any item in the said account which he has not proved.

The amendment was agreed to.

The next amendment was, in section 16, under the head of "Oklahoma," on page 23, after line 7, to insert:

That the Secretary of the Interior is authorized, in his discretion, to use and expend for the benefit and the improvement of the Fort Sill Indian School and the Kiowa Indian Agency, in such proportions as he may determine, the proceeds arising from the sale of a certain tract of land sold in pursuance of an act entitled "An act to authorize the Secretary of the Interior to dispose of a fractional tract of land in the Lawton (Okla.) land district at appraised value," approved May 11, 1910, said proceeds amounting to \$5,276.60.

The amendment was agreed to.

The next amendment was, on page 23, after line 18, to insert:

That the Secretary of the Interior, in his discretion, is authorized to sell, upon such terms and under such rules and regulations as he may prescribe, the following-described tracts of land, to wit: The southeast quarter of section 20, township 6 north, range 15 west of Indian meridian, Oklahoma; the east half of southeast quarter of section 2, township 7 north, range 12 west of Indian meridian, Oklahoma; the southwest quarter of section 2, township 7 north, range 12 west of Indian meridian, Oklahoma; the southwest quarter of section 5, township 4 north, range 9 west of Indian meridian, Oklahoma; the southeast of northwest quarter of section 32, township 2 north, range 11 west of Indian meridian, Oklahoma; lots 1 and 2 and south half of southeast quarter of section 17, township 2 north, range 11 west of Indian meridian, Oklahoma; and lots 3 and 4 and south half of southwest quarter of section 17, township 2 north, range 11 west of Indian meridian, Oklahoma; all land in southwest quarter of section 14, township 7 north, range 10 west of Indian meridian, and all land in west half of southeast quarter of section 14, township 7 north, range 10 west of Indian meridian, lying south of the Chicago, Rock Island & Pacific Railway right of way, part of Kiowa Agency Reserve, Okla.: *Provided*, That the proceeds arising from said sales shall be held by the Secretary of the Interior as a special fund, to be disposed of by future action of the Congress.

Mr. CLAPP. In line 5, page 24, after the word "southeast," I move to insert the word "quarter."

The amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was continued to the end of line 10, on page 26.

Mr. CRAWFORD. I desire to ask a question of the chairman of the committee. I notice in the amendment to section 16 a provision for selling certain lands, and there seem to be no

minimum price and no provision for public sale, but it is left entirely to the discretion of the Secretary of the Interior.

I know very little about these matters, but it simply occurred to me that possibly it was not safeguarded as much as it ought to be, with no minimum price fixed and the allowance to sell either at public or private sale. I am not expressing an opinion about it, but it occurred to me that it might be well to at least fix a minimum price. I do not know whether these are very valuable lands, near some city, or anything about that part of it.

Mr. CLAPP. It would be impossible, I think, to fix a minimum price. These are lands connected with the agency there which it is thought desirable to sell if the Secretary can get what he thinks is a reasonable price for it. The committee felt it was sufficiently safeguarded. The Secretary of the Interior, in his discretion—it is not even a direction to him to sell—is authorized to sell upon such terms and under such rules and regulations as he may prescribe. In prescribing the rules he may prescribe a minimum price. He may call for sealed bids or have an open offer. Personally I think, under the circumstances, it would be very difficult to fix a minimum price.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, in section 17, under the subhead "Five Civilized Tribes," on page 26, after the number of the section, to strike out "For expense of administration of the affairs of the Five Civilized Tribes, Oklahoma, including the salary of superintendent at not to exceed \$4,500 per annum, and the compensation of all employees, \$175,000," and insert:

For expense of administration of the affairs of the Five Civilized Tribes, Oklahoma, including the salary of superintendent at not to exceed \$4,500 per annum, and the compensation of all employees, \$205,000, thirty thousand of which shall be immediately available: *Provided*, That the Secretary of the Interior is directed to so disburse this appropriation that the final distribution of the lands and the proceeds thereof, together with the funds of the Five Civilized Tribes, shall be definitely completed on or before July 1, 1912, in pursuance of the agreements made with said tribes, and he is hereby expressly authorized to take all necessary steps to carry out the provisions of such agreements and make effective the requirements of this act.

Mr. CURTIS. I make the point of order against the proviso commencing in line 22, page 26, and ending in line 5, page 27. The point of order is that it is general legislation. The act of April 26, 1906, provides, among other things, in section 13:

That all coal and asphalt lands whether leased or unleased shall be reserved from sale under this act until the existing leases for coal and asphalt lands shall have expired or until such time as may be otherwise provided by law.

Further on, in the same act, section 17, we find the following provision:

That when the unallotted lands and other property belonging to the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Tribes of Indians have been sold and the moneys arising from such sales or from any other source whatever have been paid into the United States Treasury to the credit of said tribes, respectively, and when all the just charges against the funds of the respective tribes have been deducted therefrom, any remaining funds shall be distributed per capita to the members then living and the heirs of deceased members whose names appear upon the finally approved rolls of the respective tribes, such distribution to be made under rules and regulations to be prescribed by the Secretary of the Interior.

Mr. CLAPP. Will the Senator pardon an interruption?

Mr. CURTIS. Certainly.

Mr. CLAPP. In the absence of the Senator from Oklahoma [Mr. OWEN], a member of the committee, I suggest that the Senator withdraw his point of order for the time being—

Mr. OWEN entered the Chamber.

Mr. OWEN. I have just come in, Mr. President. I did not hear what the point of order was.

Mr. CLAPP. I withdraw the suggestion.

Mr. CURTIS. The amendment clearly repeals those two sections of the act of 1906, and of course it is general legislation, which is not permissible on an appropriation bill.

Mr. OWEN. Was the point of order made on the amendment?

The VICE PRESIDENT. On the proviso.

Mr. CURTIS. Against the proviso only—page 26, commencing in line 22 and ending in line 5, on page 27.

Mr. CLAPP. Before the Senator from Oklahoma proceeds, I want to say to the Senator from Kansas, if it would make any difference, I had prepared a brief amendment to the proviso to the effect that "nothing herein contained shall be deemed to authorize the sale or disposal of the coal lands." I do not know whether that would be acceptable.

Mr. CURTIS. Certainly; that is the only provision against which I made the point of order.

Mr. OWEN. If that is all, and if the suggestion of the Senator from Minnesota will meet the objection of the Senator from Kansas, I readily acquiesce in it.

Mr. CURTIS. To that amendment I have no objection.

Mr. CLAPP. Then, to perfect the amendment, I move that after the word "act," in line 5, page 27, the period be changed to a colon and there be inserted the words—

*Provided*, That nothing herein contained shall be construed as authorizing the sale or disposition of any coal or asphalt lands.

Mr. CURTIS. I think the amendment should read:

*Provided further*, That nothing herein shall apply to the sale of the reserved coal and asphalt lands of the Chickasaw and Choctaw Tribes of Indians.

Mr. CLAPP. I accept the language of the Senator from Kansas in lieu of my language.

The VICE PRESIDENT. The Senator from Kansas, the Chair understands, withdraws the point of order, temporarily at least—

Mr. CURTIS. Yes.

The VICE PRESIDENT. And the Senator from Minnesota offers the following amendment, which the Secretary will report.

Mr. CLAPP. The Senator from Kansas will perfect it.

Mr. CURTIS. Let it read:

*Provided further*, That nothing herein contained shall apply to the reserved coal and asphalt lands of the Chickasaw and Choctaw Tribes of Indians.

The SECRETARY. Add at the end of the amendment the following words:

*Provided further*, That nothing herein contained shall apply to the reserved coal and asphalt lands of the Chickasaw and Choctaw Tribes of Indians.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 27, after line 8, to insert:

For support of the tribal schools of Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations, as provided for by section 10 of the act of April 26, 1906, \$75,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 28, after line 11, to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$600,000, to be immediately available, the same to be paid and disbursed as herein provided; said amount being the balance and final payment due the loyal Creek Indians on the award made by the Senate on the 16th day of February, 1903, said award being made in pursuance of the provisions of section 26 of an act to ratify and confirm an agreement with the Muskogee, or Creek, tribe of Indians, and for other purposes, approved March 1, 1901; such payment to be made in accordance with the terms and provisions of said award as the same appears on page 2252 of the CONGRESSIONAL RECORD, volume 36, part 3, Fifty-seventh Congress, second session. The Secretary of the Treasury being hereby authorized and directed to pay, under the direction of the Secretary of the Interior, to the loyal Creek Indians and freedmen named in articles 3 and 4 of the treaty with the Creek Nation of Indians of June 14, 1866, the said sum of \$600,000, to be paid to such Indians and freedmen only whose names appear on the list of awards made in their behalf by W. B. Hazen and F. A. Field, as commissioners on behalf of the United States to ascertain the losses of said Indians and freedmen as provided in said articles 3 and 4; and such payments shall be made in proportion of the awards as set out in said list: *Provided*, That said sum shall be accepted by said Indians in full payment and satisfaction of all claim and demand growing out of said loyal Creek claims, and the payment thereof shall be a full release of the Government from any such claim or claims: *Provided, however*, That if any of said loyal Creek Indians or freedmen whose names are on said lists of awards shall have died, then the amount or amounts due such person or persons, respectively, shall be paid to their heirs or legal representatives: *And provided further*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to first withhold from the amount herein appropriated and pay to S. W. Peel, of Fayetteville, Ark., the attorney of said loyal Creeks and freedmen, a sum equal to 10 per cent of the amount herein appropriated, as provided for by written contract between the said S. W. Peel and the claimants herein, the same to be payment in full for all legal and other services rendered by him, as provided for by said contract, or those employed by him, and for all disbursements and other expenditures had by him in behalf of said claimants, in pursuance of said contract: *And provided further*, That said Secretary is authorized and directed to pay to David M. Hodge, a Creek Indian, of Tulsa, in the Creek Nation, a sum equal to 5 per cent of the amount herein appropriated, which payment shall be in full for all claims of every kind made by said David M. Hodge, or by those claiming under him, by reason of any engagement, agreement, or understanding had between him and said loyal Creek Indians.

Mr. CURTIS. Mr. President, I make a point of order against the amendment, on the ground that it is obnoxious to paragraph 3 of Rule XVI.

The VICE PRESIDENT. The Chair thinks the amendment is full of legislation, and the Chair sustains the point of order.

Mr. OWEN. Mr. President—

Mr. McCUMBER. Before the Chair passes on the point of order, I should like to have the Senator from Kansas read that rule and let us see if it does not come under another rule which does allow it upon an appropriation bill.

Mr. CURTIS. I want to make the further point that it is not a provision to carry out any existing law or to fulfill a treaty stipulation. The amendment changes the act of March 3, 1903, the marked portion of which I should like to have the Secretary read. It is the act of March 3, 1903, which provided

for the payment of this claim and under which the Indians were paid \$600,000, and in complying with the terms the tribe, by its council, agreed to receive the same in full payment, and each individual paid signed a receipt in full.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

[From public act No. 144, approved Mar. 3, 1903, p. 15.]

In pursuance of the provisions of section 26 of an act to ratify and confirm an agreement with the Muskogee or Creek Tribe of Indians, and for other purposes, approved March 1, 1901, there is hereby awarded, as a final determination thereof, on the so-called "loyal Creek claims" named in said section 26, the sum of \$600,000, and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, and made immediately available. And the Secretary of the Treasury is hereby authorized to pay, under the direction of the Secretary of the Interior, to the loyal Creek Indians and freedmen named in articles 3 and 4 of the treaty with the Creek Nation of Indians of June 14, 1866, the said sum of \$600,000, to be paid to such Indians and freedmen only whose names appear on the list of awards made in their behalf by W. B. Hazen and F. A. Field, as commissioners on behalf of the United States to ascertain the losses of said Indians and freedmen as provided in said articles 3 and 4; and such payments shall be made in proportion of the awards as set out in said list: *Provided*, That said sum shall be accepted by said Indians in full payment and satisfaction of all claim and demand growing out of said loyal Creek claims, and the payment thereof shall be a full release of the Government from any such claim or claims: *Provided, however*, That if any of said loyal Creek Indians or freedmen whose names are on said list of awards shall have died, then the amount or amounts due such deceased person or persons, respectively, shall be paid to their heirs or legal representatives: *And provided further*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to first withhold from the amount herein appropriated and pay to S. W. Peel, of Bentonville, Ark., the attorney of said loyal Creeks and freedmen, a sum equal to 10 per cent of the amount herein appropriated, as provided by written contracts between the said S. W. Peel and the claimants herein, the same to be payment in full for all legal and other services rendered by him, or those employed by him, and for all disbursements and other expenditures had by him in behalf of said claimants in pursuance of said contract. And further, said Secretary is authorized and directed to pay to David M. Hodge, a Creek Indian, of Tulsa, in the Creek Nation, a sum equal to 5 per cent of the amount herein appropriated, which payment shall be in full for all claims of every kind made by said David M. Hodge, or by those claiming under him, by reason of any engagement, agreement, or understanding had between him and said loyal Creek Indians.

Mr. CURTIS. In this connection I desire to have read a copy of the receipt which was signed by each individual.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

[Form of receipt signed by loyal Creek Indians for payment made to them under the act of Mar. 3, 1903, 32 Stat., pp. 994-995.]

We, the undersigned individual members of the Creek Tribe of Indians and the heirs or legal representatives of deceased Creek Indians, do hereby acknowledge receipt of \_\_\_\_\_ dollars (\$\_\_\_\_\_) from J. Blair Shoenfelt, United States Indian agent, in the sums set opposite our respective signatures, and the same is hereby accepted as a full and complete settlement of our claims against the United States for property taken or destroyed during the Civil War, as provided by the act of Congress approved March 3, 1903, and act of the Creek council of March 3, 1903.

Mr. CURTIS. In addition, I desire to have read an extract from a letter of the Secretary of the Interior showing that the tribal council accepted it in full, and that the act of the tribal council was approved by the President of the United States.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

[From a letter of Feb. 4, 1905, signed by E. A. Hitchcock, Secretary, p. 2.]

In addition to the foregoing, it appears that the National Council of the Muskogee (Creek) Nation, approved by the principal chief on May 23, 1903, accepted the \$600,000 appropriated by said act of Congress in full payment and satisfaction of all claims and demands growing out of the "loyal Creek claims," said payment to be a "final release of the Government from all such claim or claims." Said resolution was approved by the President on June 6, 1903.

Mr. CURTIS. The same question was raised against an amendment offered February 20, 1909, and I desire to have read for the benefit of the Senate the opinion of ex-Vice President Fairbanks sustaining the point of order. It will be found on page 2823 of the Record.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

[From the CONGRESSIONAL RECORD, 60th Cong., 2d sess., Feb. 20, 1909, p. 2823.]

The VICE PRESIDENT. The Senator from Kansas makes the point of order that the amendment is obnoxious to paragraph 3 of Rule XVI, in that it proposes general legislation. The Senator from Massachusetts interposed an additional point of order to the effect that the item is not for the purpose of carrying out the provisions of some existing law or treaty stipulation.

The Chair has been greatly impressed by the strength of the argument of the friends of the amendment as to the equitable character of the claim. But in deciding the point of order the Chair is, of course, precluded from considering either the equitable nature of the claim or the supposed merit of the claim that is involved in the amendment.



The Chair is of the opinion that in determining the parliamentary question which is raised, it is impossible for him to go back of the act of Congress of 1903 and consider any agreements, awards, or settlements which may have been made prior thereto. The Congress has spoken upon the question, and it is not within the province of the Senate to set aside, nor is it within the province of the Chair to ignore, its deliberate, conclusive action. It is provided in the act as follows:

"In pursuance of the provisions of section 26 of an act to ratify and confirm an agreement with the Muskogee or Creek Tribe of Indians, and for other purposes, approved March 1, 1901, there is hereby awarded, as a final determination thereof on the so-called 'loyal Creek claims' named in said section 26, the sum of \$600,000, and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, and made immediately available."

Congress, in order, apparently, to leave no doubt as to its purpose and the effect of the act, provided:

"That said sum shall be accepted by said Indians in full payment and satisfaction of all claim and demand growing out of said loyal Creek claims, and the payment thereof shall be a full release of the Government from any such claim or claims."

Unless this act has been very materially modified or repealed by a subsequent act it stands as the supreme law, and standing as it does, it negatives the suggestion that the pending amendment is to carry out an existing law or treaty stipulation.

The Chair is clearly of opinion that the amendment can not be entertained under the third paragraph of Rule XVI. It proposes to change a general law. Therefore, it is in the nature of general legislation, and is obnoxious to the rule.

In view of the foregoing considerations, the Chair sustains the point of order made by the Senator from Kansas and the point of order interposed by the Senator from Massachusetts.

Mr. McCUMBER. Mr. President—

The VICE PRESIDENT. Has the Senator from Kansas concluded?

Mr. CURTIS. That is the point of order I make, and that is all I desire to say on the point of order at this time.

The VICE PRESIDENT. The Senator from North Dakota.

Mr. McCUMBER. Mr. President, I had hoped that probably the present occupant of the chair would not attempt to perpetuate any possible error that might previously have been made in passing upon identically the same question.

Mr. OWEN. Mr. President—

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Oklahoma?

Mr. McCUMBER. I yield.

Mr. OWEN. This is a matter of very great importance to the people of Oklahoma. It has been pending a good long while, and it will be pending forever, until it is paid. The money is undoubtedly due. Nobody can deny its merits. And since the matter is about to be presented by the Senator from North Dakota on the point of order, I think it very important that the Senate understand it. There is not a quorum present.

Mr. McCUMBER. I will say to the Senator that I intend to make the matter clear.

Mr. OWEN. It would be made clear whenever the Senator speaks, but it would be made clear to so small a number that when it comes to a question of voting on this matter, if it is put to a vote of the Senate, which I think may properly be done under the rule, the Senate will not have heard what the Senator from North Dakota will have said in regard to it; and for that reason I think it would be desirable to have a quorum present.

Mr. CLAPP. Before any such suggestion is made—

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. McCUMBER. I yield.

Mr. CLAPP. Before any suggestion is made with reference to a quorum I desire to say that to-morrow morning at the conclusion of the reading of the Journal I shall ask the Senate to proceed with the consideration of the bill. I make that statement now, before anything further is done.

Mr. OWEN. I hope it will meet with the approval of the Senator from North Dakota to have a quorum present when he presents this matter. It is a very important matter, and I think the Senate ought to pass on it with the understanding it will receive from the explanation made by the Senator from North Dakota.

Mr. McCUMBER. I concur in the suggestion that has been made by the Senator from Oklahoma not only because I think there should be present all Senators who are compelled to vote on this proposition, but because I also think that it brings up before the Senate a question with respect to the rules upon which Senators themselves evidently disagree, and I should like to see the question settled not alone by the Presiding Officer but also by the Senate as to what that rule shall be.

I simply wanted to call the attention of the Chair to the fact that this is carrying out the stipulations of a treaty, and I am perfectly willing to rest it upon that proposition. This bill is filled with provisions making payments, carrying out the provisions of treaty stipulations duly entered into between this Government and Indian tribes, except that they call them contracts now rather than treaties.

I concur in the suggestion made by the Senator, and I will yield if he desires to have a call of the Senate.

Mr. OWEN. I raise the question that there is no quorum present.

Mr. CLAPP. Before that is done—

The VICE PRESIDENT. Will the Senator from Oklahoma withhold the suggestion?

Mr. OWEN. I withhold the suggestion.

Mr. CLAPP. I suggest that the bill be laid aside, and unless some Senator wishes to bring up some matter I will move—

Mr. HALE. Let us have an executive session.

Mr. CLAPP. Very well; I yield to the Senator from Maine for that motion.

#### EXECUTIVE SESSION.

Mr. HALE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 24, 1911, at 12 o'clock meridian.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate January 23, 1911.*

##### POSTMASTERS.

###### MAINE.

William M. Stuart, Newport.

###### MICHIGAN.

William J. Morrow, Port Austin.

###### OHIO.

Augustus M. Barker, Rock Creek.

John W. Bath, Elyria.

Samuel H. Bolton, McComb.

H. C. Drinkle, Lancaster.

James R. Hopley, Bucyrus.

F. G. Hunker, Middleport.

Jacob C. Irwin, Degraff.

Henry M. Jacobs, Gambier.

John A. Lowrie, Seville.

J. S. McKnight, Miamisburg.

Thomas J. McVey, East Youngstown.

David C. Mahon, Dennison.

E. W. Marvin, Ravenna.

Charles A. Moody, Painesville.

Morgan Neath, Wadsworth.

H. S. Orr, Medina.

J. Warren Prine, Ashtabula.

John J. Roderick, Canal Dover.

George G. Sedgwick, Martins Ferry.

Seth M. Snyder, Coshocton.

Charles J. Thompson, Defiance.

D. L. Webb, Greenwich.

George W. White, Uhrichsville.

Warren W. Williams, Jeffersonville.

#### HOUSE OF REPRESENTATIVES.

MONDAY, January 23, 1911.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of Sunday, January 22, 1911, was read and approved.

##### ORDER OF BUSINESS.

Mr. WEEKS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Post Office appropriation bill (H. R. 31539).

Mr. SMITH of Michigan. Mr. Speaker—

The SPEAKER. One moment. The gentleman from Massachusetts moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Post Office appropriation bill. The gentleman from Michigan—

Mr. SMITH of Michigan. Mr. Speaker, I would like to be heard a moment on this motion.

Mr. SULZER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. Will the gentleman from Massachusetts [Mr. WEEKS] withhold his motion for a moment?

Mr. WEEKS. I understand that this motion is not debatable, but if the gentleman from Michigan wishes to make a statement I will withhold it.